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**THE CATHEDRAL CHURCH OF
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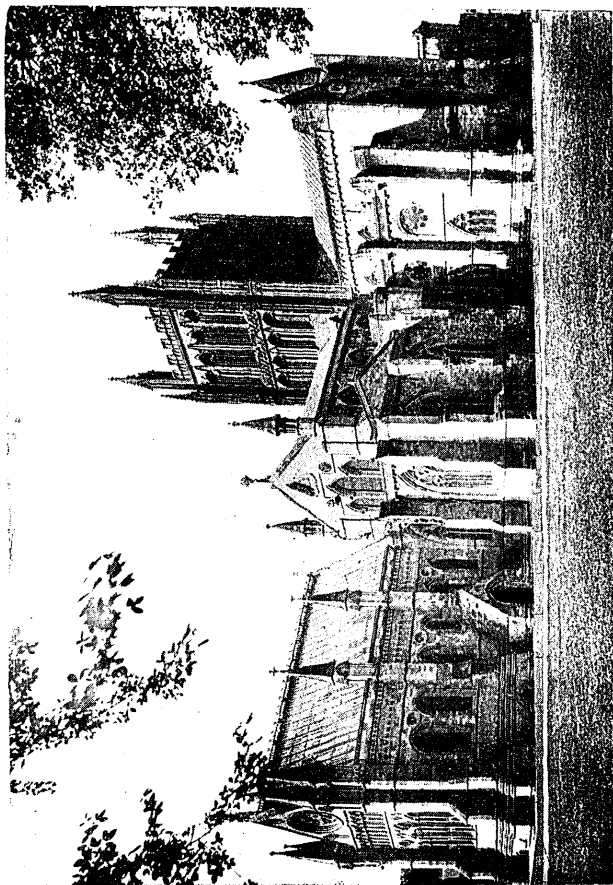


Photo: Wilson & Phillips, Hereford.

HEREFORD CATHEDRAL

STUDIES IN CHURCH HISTORY

THE CATHEDRAL CHURCH OF HEREFORD

ITS HISTORY AND CONSTITUTION

BY

ARTHUR THOMAS BANNISTER, M.A.

PRECENTOR AND CANON RESIDENTIARY OF HEREFORD
LATE GENERAL EDITOR OF THE CANTILUPE SOCIETY

"A cathedral church like ours is not only a material fabric, a work of architecture ; it is also an ecclesiastical institution, an establishment founded for the benefit of our Church and nation, and which has played its part, whatever that part may have been, in the general history of the country."—E. A. FREEMAN.

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THE Registers of the Bishops of Hereford from A.D. 1275 to 1539 have been printed in full by the Cantilupe Society, which issued also the valuable collection of "Charters and Records of Hereford Cathedral," edited by the late Canon Capes.



THE CATHEDRAL CHURCH OF HEREFORD

CHAPTER I

THE HISTORIC DAWN

IN the archives of the cathedral church of Hereford there is only one document which dates from before the Conquest,¹ so that we have little definite information as to the earliest days of the church and the primary organization of its cathedral system. Nor, indeed, do we know anything of the origin of the city of Hereford itself. In the three centuries of Roman occupation the main road from Wroxeter to Caerleon crossed the Wye about five miles to the westward of the present city; and Magna, the chief town of the district, was immediately to the north of the ford. After the departure of the Romans, for nearly two hundred years—from, say, 410 to the battle of Chester in 607—there is little to tell of the Welsh border beyond the stories of the saints. How far these marvellous legends may be trusted it is difficult to say. They contain almost certainly a nucleus of historical truth; but we must always remember that not one of the lives was written earlier than the time of the Norman Conquest, that is to say, five hundred years after the period with which they deal. With this caution we may admit some basis of fact in the story of our great local saint, Dyfrig, or in its Latinized form, Dubricius

¹ The sack of the city and burning of the cathedral in 1055 sufficiently account for this.

(further Normanized into Devereux). "He is clearly a genuine sixth-century ecclesiastic."¹ Grandson of the king of Archenfield,² so runs the tale, Dubricius was born at Madley, a village six miles to the west of Hereford, and had his famous school at Hentland, in Archenfield, on the Wye. After seven years he moved with his numerous disciples to Moccas, near his birth-place, and ended his life, as did all the saints, as an anchorite on Bardsey Island, in 612.³ Now, had Hereford been in existence at this time, we should expect to find mention of it somewhere in the story. But on the other hand, though there is no really trustworthy evidence as to the identity of the seven *Brettonum episcopi* who came to the conference with Augustine in 601,⁴ the bishop of Hereford's name appears in all the traditional lists. That of the Iolo MSS. gives first the bishop of "Caerfawydd called Hereford." Haddan and Stubbs consider this to be "the most probable of all the lists that have been conjectured," and think that "Hereford may very well have been a British see before it was a Saxon one."⁵ Yet if the "bishop of Wig," also in the list, is identified as having his seat at Hentland, it is unlikely that two bishops, out of seven for the whole of Wales, should have come from places only ten miles apart.

It may have been in the first half of the seventh century that bands of Mercians pushed far to the westward of the Severn, and established themselves in the valley of the Wye. But it was not until the

¹ J. E. Lloyd, *Hist. of Wales*, I. 147.

² Archenfield, or in its Welsh form, Erging, is the district to the south of Hereford, bordered by the Wye, the Worm, and the Monnow.

³ This, the accepted date of his death, is "pretty certainly fifty or sixty years too late," says Prof. Lloyd, *Hist. of Wales*, I. 148. The churches of Hentland, Ballingham, and Whitchurch, in Archenfield, are dedicated to Dubricius, as was that of Llanfrother (now extinct).

⁴ Bede, *Hist. Eccles.*, II. ii.

⁵ See H, and S., *Councils*, I, 148, III. 41.

seventeen years of Wulfhere's vigorous reign (659-75) that the English rule was firmly established in Herefordshire, and Wulfhere's brother Merewald appointed *sub-regulus* of the Hecanas or Magesaetas. Wulfhere, though the son of the heathen Penda, was devoted to the new faith, and strove to secure teachers for his half-christianized people.¹ In the autumn of 669 the saintly Chad was brought out of his retirement at Lichfield to resume episcopal work. Wulfhere established him, with seven or eight "brothers," at Lichfield, where no bishop, as yet, had "held his see."² In this same year Archbishop Theodore consecrated as bishop of Rochester a man who had been ordained priest a few years earlier by Wilfred. He had more aptitude for the simple life of the cloister than for mundane affairs, and possessed a special skill in chanting *more Romanorum*, acquired from disciples of Pope Gregory.³ It was not altogether a successful appointment. On Wulfhere's death in 675, his brother Ethelred succeeded; and next year, in the spirit of his heathen father, he attacked the kingdom of Kent, laying waste not only towns and villages but "churches and monasteries, without respect to pity or the fear of God."⁴ Rochester he completely destroyed. Its bishop, Putta, was absent at the time; and when the news reached him that his church had been stripped of all its property and laid desolate, he lost all heart and withdrew into Mercia—the very land from which the invader had come—to its munificent bishop, Saxulf, who gave him "a certain church and a small

¹ Christianitatem vix in regno suo palpitantem enixissime juvit.—Malmes., *Gest. Reg.*, I. 76.

² Bede, IV. iii.

³ Virum magis ecclesiasticis disciplinis institutum et vitæ simplicitate contentum quam in sæculi rebus strenuum, cui nomen erat Putta; maxime autem modulandi in ecclesia more Romanorum, quem a discipulis beati papæ Gregorii didicerat, peritum.—Bede, IV. ii.

⁴ Ecclesias ac monasteria sine respectu pietatis vel divini timoris.—Bede, IV. xii.

piece of land.”¹ Here he peacefully ended his life, making no attempt to regain his bishopric, but in that church only exercising his ministry, and going about, when invited, to give lessons in church music.² He may, of course, have performed episcopal functions as deputy for Saxulf; and so might come to be recognized as the chief pastor of the district. “In that tranquil home beside the Wye, perhaps where now the venerable cathedral and its dependent buildings give a special charm to the Hereford ‘precinct,’ Putta spent the rest of his life, never thinking at all of a return to Rochester.”³ This is what has been too hastily called “the foundation of the see of Hereford.”

Putta died in 688, and of his successors, with one exception, for more than three hundred years, we have only a list of names, given by William of Malmesbury,⁴ and an occasional signature to a charter. The exception is Cuthbert, who in 737 *erat Mertiorum apud Herefordiam episcopus*.⁵ He was born of an illustrious English family, and was himself a compound of virtues.⁶ An anonymous author, said to be nearly contemporary with Cuthbert, wrote his “life” in elegiac verse, giving us, however, no facts, though he must have known many. Cuthbert, he says, was the fifth bishop to hold the see of Hereford:

Quam bene protexit, sed et hujus jura refovit;
Fama quod in regno jugiter inde volat.⁷

¹ Ecclesiae cujusdam et agelli non grandis.—*Ibid.*

² *Ibidem* in pace vitam finivit, nil omnino de restaurando episcopatu suo agens; quia sicut supra diximus magis in ecclesiasticis quam in mundanis rebus erat industrius; sed in illa solum ecclesia Deo serviens, ubicunque rogabatur ad docenda ecclesiae carmina divertens.—*Ibid.*

³ W. Bright, *Early English Church Hist.*, 273.

⁴ *Gest. Pont.*, pp. 298–9.

⁵ *Ibid.*, p. 8.

⁶ Ex illustri prosapia gentis Anglorum clara progenie ortus, et ipse totus ex virtutibus factus.—Eadmer in *Angl. Sacr.*, II. 185.

⁷ *Angl. Sacr.*, II. 72.

The truth of this statement is evident, since, after an episcopate of only four years, he was called from the remotest border of Mercia to be the archbishop. In 747 he presided at the council of Clovesho *pro compescendis vitiis*, and exchanged letters with Boniface, archbishop of Mainz. Dying in 758, he was the first archbishop to be buried in his cathedral church, in the baptistery which he himself had built.¹

Though the West Mercian bishopric was now definitely in being, we still do not meet the name of Hereford in connexion with it. Bede, writing in 731, refers to one whom the later lists call bishop of Hereford as *eis populis qui ultra amnem Sabrinam ad occidentem habitant Valchstod episcopus*²; from which one may conclude that Bede had never heard the name of Hereford in connexion with the bishopric of the land beyond the Severn. It may then, as yet, have had no definite ecclesiastical centre, though it would seem to have had some more or less recognized diocesan boundaries. In 679 (or only three years after Putta's settlement in his "church and small piece of ground") Archbishop Theodore, at the request of King Ethelred, divided Mercia into five dioceses (*parochias*): Lichfield, Leicester, Lindsey, Worcester, and a fifth division which, according to Florence of Worcester, was formed into the see of Dorchester. But Stubbs shows that there is absolutely no evidence for this last statement, and suggests that the fifth diocese was Hereford.³

¹ The verses ascribed to Cuthbert, which William of Malmesbury says he saw, are probably of later date; two lines, at any rate, refer to the legendary Milfred, who is supposed to have lived some seventy years after Cuthbert's death. Yet William of Malmesbury, in or about 1141, certainly found, in the church of Hereford, a cross of silver and gold, and a tomb, each with an inscription purporting to have been written by Cuthbert some four hundred years before.—*Gest. Pont.*, 299.

² *Hist. Eccles.*, V. xxiii.

³ Haddan and Stubbs, III. 127-30; Stubbs, *Const. Hist.*, I. 246. But see also Bright, *Early Engl. Ch. Hist.*, 318-21.

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In any case we find the title in 800, when Wulfhard, making his profession of faith and obedience to the archbishop, says, *Ego, Wulfhardus, gratia Dei humilis Herefordensis Ecclesiae Episcopus*, and thereafter signs himself *Herefordensis Episcopus*.¹ Whether, then, Putta's church was on the banks of the Wye or not, it is certain that the cathedral church of Hereford, in some form or other, existed at the end of the eighth century.

During the latter half of this century (757-96) Offa completed the settlement of the land beyond the Severn, defining its western boundary by the great dyke. It may be that only in Offa's reign the city of Hereford came into being. The English are said to have fought a battle with the Welsh at or near the town in 760.² The legend which connects Offa's name with the building of the cathedral—turning the wattled and timbered church into a fair and goodly minster—in penance for the murder of Ethelbert, has no historical basis whatever.³

Within thirty years after Offa's death the supremacy of Mercia passed to Wessex; and through the ninth century occasional references to border fights with the Welsh or raids upon the Wye valley by the "army" of the Danes are all we have to record. Of the bishops we are told nothing beyond their names. Yet the city meanwhile must have been growing in size and importance. For early in the tenth century Western Mercia was divided into its present shires, and Hereford, like Gloucester and Worcester, was already of sufficient importance to give its name to a county, while the district to the north had, as yet, nothing

¹ H. and S., III. 528, 546. His predecessors had simply signed *Episcopus*, with no territorial designation, as indeed English bishops in that day usually did. See, on the titles of bishops and bishoprics, Freeman, *Norm. Conq.*, II. 587-92.

² *Bellum inter brittones et saxones, id est gueith hirford.*—*Ann. Camb.* 10.

³ See Appendix A.

worthy to be called a county town, and was merely named the shire in the *scrob* or bush.¹ At this time Hereford was beginning to be what it was for centuries—the place of meeting, in war and in peace, between English and Welsh. In 926 or 927 King Athelstan summoned the leading Welsh princes to a conference in the city, imposed upon them a tribute, and fixed the Wye as the boundary between the two races. Then for nearly another century city and shire alike sink into obscurity, to reappear only in the disgraceful treachery of Edric Streona and his Magesaetas at Assandun (1016).

What life in the cathedral church was like in these early days we cannot tell. In the Wye valley, when Putta arrived, there was a settled Welsh Christianity in Archenfield, and elsewhere a pagan or half-pagan body of English settlers, whom the Welsh Christians made no attempt to convert. "He who acts as a guide to the barbarians, let him do penance for thirteen years" had been their synodal decree a hundred years earlier.² And even when the "barbarians" were christianized, the Welsh would still have no dealings with them; for theirs was a new-fangled Christianity from Rome, to which Penda's paganism was preferable, as was shown by the alliance of the Welsh with Penda to slay St. Oswald. "It is to this day," writes Bede in 731, "the fashion among the Britons to reckon the

¹ William of Malmesbury, who visited Hereford in or about 1141, immediately after its partial destruction in Stephen's wars with Empress Maud, says of it (*Gest. Pont.*, 298): *Civitas Hereford non grandis, quae tamen fossatorum praeruptorum ruinis ostendat se aliquid magnum fuisse.* It is somewhat strange that we have no mention of Hereford in connexion with Æthelstæd, king Alfred's warlike daughter, who fought the Welsh at Llangorse lake, and fortified Bridgnorth, Chirbury, and other places on the western frontier of Mercia. The Danes also, in 915, landing on the southern coast of Wales, made a daring raid on Archenfield, and captured the bishop of Llandaff at a spot which could not have been many miles from Hereford; yet no mention is made of that city.

² H. and S., I. 118.

faith and religion of Englishmen as nothing, and to hold no more converse with them than with the heathen.”¹ Yet the newly arrived bishop must soon have learnt that, within a few miles to the south, were fully organized monastic or semi-monastic churches—at Moccas, Welsh Bicknor, Dewchurch, and Garway.² Each of these churches had an abbot, with a community, or “clas,” the members of which are not called monks but canons (*canonwyr*), though, as bishop Bernard found at St. David’s five hundred and forty years later, the revenue of the Church was regarded as a common stock for their support and not divided into separate prebends. The English settlers in Western Mercia, little more than twenty years after the death of their grim heathen king, could not have known much of the new faith, though the example of the royal house would have induced many to become Christians. For the family of the pagan tyrant had now been baptized, and showed all the zeal of the newly converted. The sub-king himself founded a convent at Leominster; his wife was consecrated by Theodore as first abbess of Minster; and their daughter St. Mildred succeeded to more than her mother’s glory; another daughter founded the abbey of Wenlock and gave her name to one of the many border Stokes. Their cousin, St. Werburgh, daughter of king Wulfhere, became directress of the Mercian nunneries. These all lived on to the end of the century, or nearly so; and it may be taken as certain that, among their many ecclesiastical activities, the endowment of the infant church on the Wye found a place, though of this no record remains. It may be that among these earliest endowments was the estate which in later days is called the episcopal manor of Prestbury, on which was the hamlet of Cheltenham. Here was a small monastery, of which, with that of

¹ *Hist. Eccles.*, II. xx.

² *Lib. Land.*, 164, 166.

Beckford, it is said in 803 that *olim in antiquis diebus ad Herefordensem ecclesiam praestita fuerunt*.¹

The church itself must have been small and of light construction, probably of timber and wattle, as were the churches of the neighbourhood, stone churches being almost unknown in the district, even in the time of Bede,² and indeed long afterwards. We read of wooden churches in Archenfield in the middle of the eleventh century.³ A few "canons" ⁴ may have been appointed, as in the neighbouring Welsh monasteries, from the first; but more probably the missionary bishop was accustomed, as was Chad's practice, *oppida, rura, casas, vicos, castella, propter evangelizandum, non equitando, sed apostolorum more pedibus incedendo, peragraré*,⁵ having with him, as also had Chad, seven or eight brethren to share his studies and his devotions. This would insensibly develop into something like a chapter, though as yet without name and status. In or about 866 it would seem to have been at least a definite *episcopi familia*; for Diorlaf, Putta's fifteenth or sixteenth obscure successor, makes his profession of obedience to the archbishop, *una cum omnibus qui mecum sunt*.⁶ Little more than this is known of the church of Hereford until we reach the eleventh century.

¹ H. and S., III. 544. The manor of Prestbury with Sevenhampton, in Domesday, is assessed at 30 hides, a figure which implies its ancient possession.

² *Ecclesiam de lapide insolito Brettonibus more*.—H.E., III. iv. As to size, it is said that, as late as 1120 the cathedral church of Llandaff was only 28 by 15 feet, not reckoning the aisles and the porch. Lloyd, *Hist. of Wales*, 450.

³ *Lib. Land.*, 277. About the same time (1061) Bishop Giso, going to Wells, says: *Ecclesiam sedis meae perspicuiens esse mediocrem*.

⁴ So far as we know, the word "canon" (in the sense of those living a more or less community life, but without monastic vows) is not found in the English Church before 787.

⁵ Bede, H.E., III. xxviii.

⁶ H. and S., III. 655. He says also: *me . . . tota congregatio Herefordensis ecclesiae sibi in officium episcopale elegerunt*, which throws some light on the manner of appointing bishops in the ninth century.

CHAPTER II

THE CATHEDRAL IN THE ELEVENTH CENTURY

WITH the opening of the eleventh century the history of Hereford, its bishops and its cathedral church, becomes less obscure. Æthelstan,¹ *vir magnae sanctitatis*,² was consecrated in 1012, and had a long episcopate of forty-four years. For the last thirteen years of his life blindness caused him to retire from the active government of his diocese, which was administered by a Welsh bishop named Tremerin.³ Æthelstan had built, or rebuilt, the cathedral church from its foundations,⁴ and enriched it with ornaments and relics. Since he became blind in or about 1043, we may assume that the church was built before that date. At some time between 1024 and 1032 Leofric became Earl of Mercia. He and his famous wife Godiva are chiefly celebrated for their boundless liberality to ecclesiastical foundations. Worcester, Leominster, Evesham, Chester, Wenlock, Stow, and Coventry—we know that they founded, rebuilt, or endowed all these. It is not unlikely, then, that in the years,

¹ In the spelling of proper names, in these early days, I have, where possible, followed Stubbs; but even he is not always consistent.

² Flor. Wigorn. sub anno 1056.

³ Godwin makes this Tremerin "bishop of St. David's." But Florence, who calls him only *Walonicus antistes*, would scarcely have styled the bishop of St. David's *vicarius Herefordensis prae-sulis*. Moreover, according to Ralph de Diceto, Tremerin, bishop of St. David's, was consecrated by Archbishop Ælfric in 1005. He would, therefore, have been older than, or at least as old as, Æthelstan.

⁴ *A fundamentis construxerat*.—Sim. Dunelm. ap. X Script. 188

say, from 1030 to 1040 they took some interest in the building of the church of Hereford.¹

With the accession of the Confessor, in 1042, Hereford was detached from the government of Leofric, and within a few years became a separate earldom under the king's French nephew, Ralph, after whom streamed in a band of needy Norman adventurers who, secure in castles,² were soon more hated by the Magesaetan English than were the wild tribes of Wales. What was the relation of these new-comers to the English bishop and his church we have no means of knowing.

"We can easily form a picture," says Freeman,³ "of the Hereford of those days. By the banks of the Wye rose the minster, low and massive, but crowned by one or more of those tall, slender towers in which the rude art of the English masons strove to reproduce the campaniles of northern Italy. Around the church were gathered the houses of the bishop, the canons, the citizens—the last mainly of wood. Over all rose the square mass of the Norman donjon, an ominous foreboding of the days which were soon to come."

In 1055, as a result of the party strife between the houses of Leofric and Godwine, Ælfgar, Leofric's son, was deprived of his earldom and outlawed. Gathering a Danish force from Ireland, he made alliance with Gruffydd ap Llewelyn, who, through the death of a rival in the south, was now master of all Wales; and the combined host marched upon the Norman settlement at Hereford. The mixed force of English and Normans, under their incapable earl, Ralph, were put

¹ In the calendar of obits, under date xviii Kal. Feb., is *Obitus Wulvive et Godive, que dederunt Hopam, Prestoniam, Pioniam et Nortonem et ceteras terras presenti Ecclesie*. There is no other attestation of these benefactions, and it is uncertain whether the Godiva here referred to is Leofric's wife.

² One seventeen miles to the north, another twelve miles to the south of Hereford, and the third in the city itself.

³ *Norm. Conq.*, II. 391.

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to flight a couple of miles from the Wye bridge, and the same evening the Welsh and Danes sacked and set fire to the whole city. The seven canons who attempted to defend the great door of the church were slain, the church was burned, and all its relics and ornaments destroyed. The bishop and his suffragan died broken-hearted, Tremerin before the end of the year, and Æthelstan in the February following.

Late as was the season—the sack of Hereford was on October 24—Earl Harold, sent from the court at Gloucester by the king, followed the Welsh (*impegre insequitur*) beyond the Golden Valley, where they refused battle and fled into the hills. Harold, therefore, came back to Hereford and set about the rebuilding of the city, surrounding it with a strong rampart.¹ The damaged walls of the cathedral church must have been at least temporarily repaired, since the body of the aged bishop (who had died at his manor of Bosbury) was brought to Hereford and buried “in the minster he had built.”

Within a month of Æthelstan's death, Earl Harold had secured the see of Hereford for his chaplain, Leofgar, a warrior churchman who was bishop twelve weeks and four days, Florence carefully tells us, being slain near Glasbury, with “his clerks” and the sheriff and many others, on June 17, by Gruffydd, against whom he had defiantly led an army in person. After Leofgar's death, the diocese was administered for four years by Bishop Ealdred of Worcester.² When, early in 1061, he became archbishop of York, Walter, a chaplain of the queen, was made bishop of Hereford. He is one of the band of foreign ecclesiastics who were preferred to English sees in the Con-

¹ Vallo lato et alto illam cinxit, portis et seris munivit.—Flor. sub anno.

² For part of this time Ealdred administered Sherborne in addition to Worcester and Hereford—and strangely enough, administered them all well, being “a good bishop when such were very scarce.”—Stubbs, *Const. Hist.*, I. 265.

fessor's reign, their appointment being closely connected with the revival of the canonical life, as against the monastic, which resulted from increased intercourse with the Empire, and especially with Lorraine.¹ The importation of ecclesiastics from Lorraine had begun under Canute, in whose reign Duduc was made bishop of Wells.² When Edward came to the throne, he appointed at first a few Norman bishops, but soon Lotharingian appointments became frequent. Freeman³ sees in this an attempt of Earl Harold and the patriotic party to counterbalance the merely French tendencies of the king—a Lotharingian being a sort of middle term between Englishmen and Frenchmen. In any case, these appointments resulted in a special development of the canonical life in our English cathedral churches. For the foreigners brought with them from Lorraine the Rule of Chrodegang,⁴ or rather an adaptation, embodying its chief features; and they were determined to impose it on their English canons.

First came Herman, consecrated to Ramsbury in 1045. Here, on his arrival, there was *nec clericorum conventus, nec quo sustentaretur*. He secured, therefore, from the king the appropriation to the see of the rich abbey of Malmesbury (whose abbot had opportunely died). But the monks, fearing that he would turn them out and put canons in their place,⁵ appealed to Harold, who got the grant revoked.⁶

In the year following Herman's consecration,

¹ See Appendix B.

² Florence says that Duduc was *de Lotharingia oriundus*, though Giso, his successor at Wells, calls him *natione Saxo*.

³ *Norm. Conq.*, II. 582.

⁴ See Appendix C.

⁵ "The Rule of Chrodegang, which to the canons of Wells and Exeter seemed to be an insufferable approach to monastic austerity, would seem to the monks of Malmesbury to be a no less insufferable approach to secular laxity."—Freeman, *Norm. Conq.*, II. 403.

⁶ In 1075 Herman secured the removal of his see to Old Sarum; and aged though he was, began to build his new cathedral church, dying, however, when he had done little more than lay its foundations.

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Leofric, a Cornishman by birth but *apud Lotharingos altus et doctus*, became bishop of Crediton, and four years later removed his see to Exeter. The nuns were removed from St. Peter's, and a chapter of secular canons appointed, more or less on the lines of Chrodegang's Rule at Metz. The English minster clergy, usually well-born and dignified, and often even married, were not easily turned into canons of this new type, *qui contra morem Anglorum ad formam Lotharingorum uno triclinio comederent, uno cubiculo cubitarent*.¹ At Exeter the Rule seems to have survived longer than elsewhere, but it is scarcely to be wondered at that even here, some ninety years later, the rule *pro luxu temporum nonnulla ex parte deciderit*.

Ten years after the establishment of Leofric's see at Exeter, two other Lorrainers, Giso and Walter, chaplains respectively to the king and queen, were appointed the one to Wells and the other, after the vacancy of four years, to Hereford. The position of Stigand as archbishop was considered by almost everyone as schismatical, and no good man would receive consecration at his hands.² The two bishops-elect, therefore, travelled together to Rome, and were consecrated by the pope (April 15, 1061).³

At Wells, Bishop Giso found four or five canons, with revenues so small that they were driven, he says, to beg their bread (*publice vivere et inhoneste mendicare*). Buying and begging in all directions, he raised an adequate endowment for them, increased their numbers, and proceeding further to build a cloister, a common refectory, and a common dormitory; and he com-

¹ Will. Malmes., *Gest. Pont.*, 201.

² Nec enim a Stigando, tunc Cantuariensi nomine-tenus archiepiscopo, quisquam bonus pontificale munus susciperet, qui non per hostium in ovile ovium intrasset.—Malmes., *Gest. Pont.*, 252.

³ Starting for home, with Earl Tostig and Ealdred, the new archbishop of York, they were attacked by robbers and stripped of everything *praeter simplices vestes*. But the losses were made good by the pope, and they had a safe journey back.

pelled them to live there according to the strict rule of Metz, under a *praepositus* or provost. But here the new constitution lasted little more than twenty years. For John of Tours, his successor in the bishopric, pulled down Giso's cloister, refectory, and dortoir, and built a palace for himself on the site, the canons going to dwell in separate houses in the town (*cum populo communiter vivere*).

Now, what is the bearing of all this on the cathedral life of Hereford? Walter, as we have seen, was a Lorrainer, a friend and fellow-chaplain of Giso at the English court (perhaps, in earlier days, his fellow-student at Metz, or Aix, or Treves). Together they made the pilgrimage to Rome, together were consecrated by the pope, together journeyed home to take up their episcopal work.¹ Is it not likely that Walter would enterprise at Hereford the reform which Giso effected at Wells and Leofric at Exeter, which Herman would have brought about at Ramsbury had the conditions allowed? ² At Hereford in 1055 there had been seven canons, and the church already possessed most of the considerable endowments detailed in Domesday.³ There is ground, then, for the conjecture that, if more of its early records had survived, we should read of a somewhat similar development at

¹ Florence of Worcester, Gervase, and Ralph de Diceto say that Giso and Walter, alone of the bishops, officiated at the consecration of Lanfranc. William of Malmesbury adds seven other names.

² It is worth noting, in this connexion, that Archbishop Ealdred, who had journeyed back from Rome with Giso and Walter, apparently introduced the Rule of Chrodegang at York. For in his cathedral church and at Southwell he built refectories, *ubi canonici simul vescerentur*, and he completed the half-built refectory and dormitory at Beverley, remodelling and endowing the chapters of all three. *Hujus quoque patris industria clerus . . . ad correctioris vitae normam et ecclesiasticae institutionis disciplinam revocatus est.*—*Hist. of the Church of York*, II. 354. The system did not last, for on his death and the burning of the minster, his successor, Thomas, who had been treasurer of Bayeux, after attempting for a time to restore the Lotharingian Rule, re-established the chapter on the model of his old church.

³ See Appendix D.

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Hereford as at Wells and Exeter. It is probably because these churches already had this fairly settled constitution that they were not drawn into the great movement, initiated from Bayeux, which established within a year (1090-91) in the sister churches of York, Salisbury, and Lincoln, the cathedral system which, with some variety of arrangement and difference of procedure, was ultimately adopted in all the churches of the old foundations.¹ Lichfield, having a *praepositus* and twenty canons earlier than 828,² did not feel the Norman influence until the episcopate of Bishop Clinton (1129-48). St. Paul's, too, was already under the influence of Metz, though we have no record of the change. But it had its common refectory and common dormitory,³ and the most ancient portion of its statutes is based directly on the Rule, from which there are at least four actual quotations,⁴ and it is probably due to an imitation of the arrangement at Metz that at St. Paul's such unusual precedence is accorded to the archdeacon of London.⁵ These churches, then, were not "Normanized" until later.⁶

¹ See Appendix E.

² This institution of a provost and canons about the time of the council of Aix seems to suggest Lotharingian influence, though we do not know that Bishop Æthelwald had any relations with Metz or Aix.

³ Milman, *Annals*, p. 135.

⁴ *Regist. Stat.*, ed. W. Sparrow Simpson, 39, 40, 41, 43.

⁵ *Ibid.*, lviii.

⁶ At Wells, in 1137, when Bishop Robert was remodelling the constitution, help and advice were directly asked from Sarum, and in the *Liber Ruber* (cap. c-ciii) are copied four long extracts from the *Sarum Consuetudines*.

CHAPTER III

THE BUILDING OF THE CHURCH AND THE GROWTH OF THE CAPITULAR SYSTEM

DUKE WILLIAM'S victory near Hastings (October 14, 1066) was followed by the rapid Normanizing of Herefordshire. A little colony of Norman settlers was already there, and Osbern Fitz-Richard, of Richard's Castle, was sheriff of the county. Even before securing the submission of the midlands and the north, the new king provided for the defence of the Welsh border, appointing as earl of Hereford his namesake and closest friend, William Fitz-Osbern, who in the four short years of what we may almost call his "reign," built a line of castles, and organized what was in effect an independent feudal principality, stretching from Ludlow to Chepstow, on the quasi-military system out of which grew, in course of time, the exceptional status of the "March" and its lords.

As always, following the Norman lord came the Norman monastic house. Fitz-Osbern in earlier days had founded the abbeys of Lyre and Cormeilles, in the former of which he had buried his wife and had his own tomb in the other. These he now endowed with manors and tithes in Herefordshire, and from the first they would seem to have entered into close relations with the cathedral church. In later times, at any rate, we find the abbots of both monasteries *ex officio* prebendaries of Hereford, with vicars to represent them in the choir.¹

King William, in matters ecclesiastical, adopted

¹ See Appendix F.

the policy, which his successors strictly carried out for a hundred years, of nominating to English bishoprics only men of Norman or other foreign birth ; some English bishops, with Stigand the archbishop, were even deprived, and Normans appointed in their room. Bishop Walter of Hereford, according to the untrustworthy *Life of Abbot Frederic*,¹ joined Bishop Wulfstan of Worcester in patriotic opposition to William, and, oppressed by the king and Lanfranc, was compelled to seek refuge in Wales. There would seem to be no truth in this story, for he retained the see until his death (1079) ; and when a scandalous tale went abroad as to the manner of that death, the king *dignitate regia credulitatem dissimulans ne vel ceteri disseminarent gravissimo cohercuit edicto*.²

Bishop Walter was succeeded by another Lotharingian, Robert Losinga,³ *omnium liberalium artium peritissimus*, the editor of Marianus Scotus, the close friend of Bishop Wulfstan (summoned by a vision to Worcester for his burial), and the rebuilder of the minster of Hereford. The Malmesbury writer states that he planned the church *tereti scemate, Aquensem basilicam pro modo imitatus suo*.⁴ "If so," says Freeman, who is no mean judge in matters archi-

¹ Matt. Paris, *Gest. Abb.*, I. 48-9.

² Will. Malm., *Gest. Pont.*, 300. King William also restored to Bishop Walter the manors which Earl Harold had held unjustly. See Appendix D.

³ "Herebert Lozinga ou plutôt Herebert la Louange, ainsi nommé à cause de son talent pour la flatterie . . . Lozinga ou Losynga (mieux *lausenga* du latin *laus*), en français *losenge*, d'où *louange*."—De Rémusat, *Anselme*, p. 168. Freeman also inclines to this view of the meaning of the word (*Rufus*, II. 568). But, in the case of Herbert of Norwich certainly, it was a surname, since his father also bore it. It may be connected with the root of certain Suffolk place-names, Loes, Lowestoft, Lothingland. But more probably it is merely the equivalent of "Lotharingian." Both Robert of Hereford and Herbert's father came from Lorraine. (It is possible that they were related.)

⁴ *Gest. Pont.*, 300. Bishop Robert was interested also in the building of the great abbey church of Gloucester, of which he laid the foundation-stone on June 29, 1089.

tectural, "all traces of his building have perished. The present Romanesque work at Hereford follows the common type of English and Norman minster, and has not the faintest likeness to the work of the great Charles."¹ Yet William of Malmesbury was probably already born when the church was building; and visiting Hereford within forty-five years of Bishop Robert's death, reports accurately, we may assume, what he had heard from those on the spot who had known personally all the details of the design.²

Bishop Robert, though he had witnessed the charter to Remigius and was present at the gathering at Hastings when Osmund issued his *Institutio*,³ did not, so far as we know, initiate any change in the constitution of his church; and his successor, Gerard, *qui Vergilio in metro et Tullio in prosa parum cessisset*,⁴ was translated to York too soon to leave any impress on Hereford.⁵ Early in 1101 Reinhelm, the queen's chancellor, was appointed to the see by the king, and was invested by him with the ring and staff, "according to the custom which the king then deemed legitimate," says William of Malmesbury.⁶ He might

¹ *Norm. Con.*, IV. 374.

² See Appendix G.

³ Evidently Robert had intimate relations with Osmund. For in 1095 they two, alone of the bishops, came to meet Anselm, as he journeyed near Windsor, to ask his forgiveness *pro culpa suae abnegationis quam cum aliis coepiscopis suis fecerant apud Rockingham*. Turning into a little church by the wayside, the archbishop gave them absolution. Eadmer, *Hist. Nov.*, 34.

⁴ *Hist. York*, II. 109.

⁵ The sacrilegious greed of William Rufus, in keeping bishoprics vacant for years and appropriating to himself the revenues, possibly furthered the establishment of the prebendal system. For when the episcopal and capitular estates were divided, when certain estates formed the *communa* of the chapter, and the individual canons held certain others, the seizure into the king's hands of episcopal estates made no difference to the canons.

⁶ *Secundum morem quem rex legitimus tunc arbitraretur per principem anulo et baculo investitus.*—*Gest. Pont.*, 303. Eodem anno rex Henricus dedit episcopatum Herefordensem Reineldo, sine electione facta contra novi decreta concilii, ipsumque publice investivit.—*Flores*, II. 35.

have said that Anselm also had deemed it legitimate until in his exile he visited Rome and learnt more perfectly the doctrines of the holy see and the decisions of the council. Now, however, the archbishop refused to consecrate, and Reinhelm, recognizing that his investiture was irregular, gave back the insignia, to the surprise and anger of the king, who drove him from the court.¹ In April Anselm for the second time went into exile, and from France wrote letters encouraging Reinhelm, and others in like case, to hold out against the bribes and threats of the king. Only after Henry and the archbishop had agreed upon a compromise was Reinhelm (with four others) consecrated, August 11, 1107.²

In the Kalendar of Obits (V. Kal. Nov.) Bishop Reinhelm is called *fundator ecclesie sancti Ethelberti*—a title which, in view of William of Malmesbury's definite statement that Robert Losinga built the church, must be due to some mistake.³ Nor can any ancient authority be found for the statement commonly made that the cathedral church "was dedicated with great solemnity in 1110." It is, of course, in the highest degree probable that the death of Bishop Robert did not seriously interrupt the work of building; and it was usual, when the choir and eastern part of a church were completed, to hold a dedication service. But we have no early record of any such service in the time of Bishop Reinhelm. And there is no reason for attributing to him, as some have done, the constitution of the chapter on the model of Sarum and Lincoln.

Of the next two bishops, Geoffrey de Clive and

¹ Flores, II. 36; Eadmer, *Hist. Nov.*, 144-5; Matt. Paris, *Hist. Angl.*, I. 190-1.

² Eadmer, *Hist. Nov.*, 187.

³ The Kalendar of Obits, copied by Rawlinson, *circa* 1717, from an ancient missal (Bodleian MS. 11667: Rawl. B. 328). Dr. Frere (*Heref. Brev.*, III. lx) thinks it to be little earlier than Bishop Peter's day. In the MS. in a later hand, the word *hospitii* has been written above *ecclesie*; this is equally a mistake, since the hospital was founded in 1225 by Elyas de Bristol.

Richard de Capella,¹ we are told little or nothing in connexion with the cathedral church, though the building must have been going forward. Bishop Richard died in August 1127; and *contigit ut ecclesia Herefordensis pastore destituta jam diebus multis miserrime laborasset*.² Early in 1130, therefore, Milo the constable and Payne Fitz-John, *qui de dominiis Herefordensis ecclesiae villas tenebant*, urged the king to appoint to the see Robert de Bethune, prior of Llanthony, who, after resisting for more than a year, yielded to the request of the pope, and was consecrated on June 28, 1131.³ Reluctant though he had been to undertake the duties of a bishop,⁴ he discharged them with strenuous energy, pressing forward the building of the church, and searching on all sides to appoint as its canons men of scholarship and ability. Amongst these he brought in a certain Ralph, and made him dean. This is almost certainly the first appointment of a dean at Hereford.⁵ And we can fix the date within a few years. For in 1132, *episcopo presente et annuente et testificante*, the canons, with no mention of the dean, execute a conveyance of land.⁶ And according to William of Wycumb, Bishop Robert's chaplain, Ralph, was appointed dean before Stephen's accession.⁷ The appointment was not a good one. We are not told exactly what his offence was; but the bishop, after suffering much annoyance and irritation,

¹ Bishop Richard gave to the church *magnum candelabrum ereum*, on which all the candles were lighted for the Mass at his obit (xvii. Kal. Sept.).

² *Angl. Sacr.*, II. 304.

³ *Angl. Sacr.*, II. 304-7.

⁴ *Pusillanimis et infirmior praelationis oneri*.—*Ibid*.

⁵ An undated charter of Bishop Robert (circ. 1144) is witnessed by the dean and by "Gilbert the cantor." So the other dignities also are evidently in being.

⁶ *Facta est haec conventio inter canonicos matris ecclesiae et Petrum de Herefort, scilicet quod canonici dederunt*, etc. The next grant we have (in or about 1140) is in the form, invariably thereafter, *Herefordensis ecclesiae decanus ejusdemque ecclesiae totum capitulum*.

⁷ *Angl. Sacr.*, II. 312.

was compelled to appeal to the pope, who deposed the dean. The trouble, however, was not yet over; for Bishop Robert had also at great cost to get rid of others of the *personae idoneae* whom he had mistakenly brought in from outside.¹

With the accession of Stephen came new anxieties and troubles. *Turbatum est regnum, recessit e medio pax et iusticia, et in millibus multis etiam fides Christiana.* At first, however, all seemed to be going well. Nineteen prelates and many earls and barons, including some who later were the leading supporters of the empress, attended the great Easter court of Stephen in 1136. But within two years the rebellion broke out over all the south and west. At Hereford the castle was fortified against the king by Geoffrey Talbot. Stephen reached the city from Gloucester soon after Ascension Day, 1138, and stayed some weeks, holding the town and besieging the castle. On the feast of Pentecost he attended at the cathedral in state, wearing his crown.² Three royal charters

¹ Hoc nempe bonae intentionis studium vir sibi sanctus indixerat; ut ad decorem ecclesiae sibi commissae si quas personas idoneas literatas alicubi vacantes acciperet, eas ad se vocaret, ordinaret et beneficiis ecclesiasticis vel honoribus sullimaret. Sed nescit malitia beneficiis respondere. Unde factum est, ut Radulphus quidam, quem alienum asciverat, et decanum constituerat, primus contra eum levaret calcaneum. Nec prius eum destitit indignis tribulationibus vexare, donec compelleret Romanum pontificem adire. Cui quum angustias indicasset, et vexationes quas a decano suo patiebatur tam indignas quam injustas, decreto curiae cum pace sua remissus est. Sed pacem reportans, pacem domi non invenit. Agebat enim invidia diaboli; ut quo amplius terrenis perturbationibus vexaretur, spiritualibus lucris minus intenderet. Sed noverat Dominus quibus tormentis martyrem suum ad coronam praepararet; unde quum deposito per dominum papam Innocentium vexatore suo decano redisset ad sua, novos invenit ex filiis suis vexatores alterum post primum, tertium post secundum. Quorum non tolerans vir sanctus tam immunditiam quam impietatem, laboribus et impensis primis similibus eorum debellavit insolentiam, metuens ne sibi cederet in periculum, si pestilentes non eliminaret, quos ecclesiae deceptus induxerat.—*Angl. Sacr.*, II. 312.

² The ancient chair, in which the king is said to have sat on this occasion, has in course of time come to be called St. Stephen's chair! It is only used at ordinations by the bishop.

were signed in Hereford during this time, giving privileges to the bishop; and two of them are witnessed by Brian Fitz-Count of Wallingford, soon to become, with Milo the constable, the most faithful adherent of Matilda. At length the castle surrendered; and, having stormed the Talbot stronghold of Weobley, the king departed, leaving a garrison in the castle.

In September 1139 the empress landed at Arundel; and Stephen, *ex indiscreta animi simplicitate*, gave her safe-conduct to journey to Gloucester, where Milo was preparing a force to support her cause.¹ In November Milo's men sacked Worcester and occupied Hereford. The royal garrison was now in turn besieged in the castle, Geoffrey Talbot fortifying the cathedral church and close, *velut in castellinum munimen*. Digging trenches and ramparts across the cemetery, he cruelly dug up the bodies of the faithful, and even stabled his horses in the church itself. Stephen, receiving at Oxford the news of this disaster, came to Worcester, and thence advanced through Little Hereford to Leominster. But Advent Sunday (December 3) bringing about a cessation of hostilities, he returned to Worcester.² Bishop Robert, when Milo occupied Hereford, had excommunicated him and his men, and laid the city under an interdict. Milo, *data in manu canonicorum sponsione*, promised submission; but, when he delayed his appearance before the bishop, the sentence was confirmed, and the bishop of Worcester extended the interdict to Milo's

¹ The empress created Milo earl of Hereford on July 25, 1141. In the Hereford Kalendar of Obits he is commemorated, xvi Kal. Jan.

² The narratives of the chroniclers for this period are difficult to reconcile and hard to understand. I have followed the elucidation of Mr. J. Horace Round, *Geof. de Mand.*, pp. 281-3, although it is quite possible, as Mr. Round half suggests, that the occupation of Hereford and its attempted relief by the king may have been later.

possessions in Gloucester ; and this too was confirmed, though the prior of Llanthony secunda and the abbots of Tewkesbury and Gloucester offered surety for Milo's fulfilment of his promise. Thereupon Abbot Gilbert, of St. Peter's, wrote to Henry of Winchester, by whose authority, as papal legate, the interdict had been pronounced, threatening an appeal to the pope.¹

At Worcester, early in 1140, Bishop Robert, with the bishop of Chichester, presented to the king a Welshman named Meurig as the choice of the clergy and people for the vacant bishopric of Bangor. Meurig, after some hesitation, swore fealty to the king, and made full submission to Canterbury²—a surrender which brought him into trouble with the Welsh princes. He was consecrated, however, by the archbishop and the bishops of Hereford and Exeter, in the following August.

In 1140 the tide of war flowed away to the eastern counties and Bishop Robert came back to his own. He repaired his church, destroyed and levelled the defences of the enemy before the gates, cleansed the church of its filth,³ recalled the scattered clergy, and renewed the divine service. It was now, or shortly afterwards, that William of Malmesbury visited Hereford, and has described for us what he saw there.⁴ And at some time in the next few years (1142-8) the building of the church, to which the bishop had devoted so much money and solicitude, was completed, and with all solemnity, after the example of Solomon,

¹ Gilbert Foliot, *Ep.* (ed. Giles), I. 8-9. The chronological difficulty is increased for us by the fact that in this letter Gilbert calls Milo "the earl," and his creation dates, as we have seen, only from July 25, 1141.

² Contin. of Florence *sub anno* : Had. and St., I. 345-6.

³ Spurcitias de intus eliminavit.—*Angl. Sacr.*, II. 314.

⁴ For the Malmesbury writer's account of the church see Appendix A. The city, he says, is *non grandis, quae tamen fossatorum praeruptorum ruinis ostendat se aliquid magnum fuisse*.

he dedicated it, six other bishops attending the ceremony.¹

One incident in this episcopate remains to be noted, as throwing light upon, or rather raising, a problem which concerns the relation of the bishop to the chapter in the matter of prebendal property. In the anarchy of the time—though the civil war had not yet actually commenced—the priory of Llanthony was despoiled more than once, and at last its canons were left destitute. Bishop Robert secured from Milo the constable land at Gloucester for building a second Llanthony (which he and the bishop of Worcester dedicated in 1136), and gave to the new house from the episcopal possessions of Hereford, *ad supplementum subsidii*, the churches of Frome and Prestbury, with the revenues of the *vil* of Prestbury for his life. So far, perhaps, he acted constitutionally, although the grant included Frome Canon as well as Frome Episcopi. But soon twenty desolate brethren from another house, who in a remote assart had struggled for five years against the curse of a barren land, threw themselves upon him for advice and help. He secured their reception, “all in one day,” says the admiring chaplain, into the second Llanthony. *Ne autem domus supra vires gravaretur, addidit ad supra-fatam ecclesiarum donationem terram unam quam Moram vocant.* But this gift of Canon Moor comprised four prebends of the cathedral church! It may be that in this fact we have an explanation of the bitter quarrel between bishop and dean, which ended in Dean Ralph’s deposition. When Gilbert Foliot succeeded Robert as bishop, he writes at once to the pope

¹ *Sepultus est in ecclesia sua matrice quam ipse multa impensa et sollicitudine consummavit; ipse Solomonis exemplo solemnissime dedicavit, adhibitorum secum septimus episcoporum, et tam reliquiis sanctorum quam ornamentis et vasis pretiosis adornavit.*—*Angl. Sacr.*, II. 321. This statement of the bishop’s chaplain and friend, who almost certainly speaks as an eye-witness, definitely settles the question as to the completion and dedication of the church.

that his cathedral church is clamouring and complaining because his predecessor *prae nimietate amoris erga Lantoniam* had despoiled his own clergy of these four prebends. He urges Eugenius, should the canons of Llanthony approach him in the matter, not to confirm to them what had been unjustly taken from the chapter of Hereford.¹

¹ *Ep.* (ed. Giles), I. 113. The claim would seem to have been compromised, for Llanthony secunda had interests, both in Frome and in Canon Moor, at its suppression.

CHAPTER IV

THE RULE OF THE FOLIOTS AND WILLIAM DE VERE

THE family of Foliot was intimately connected with the Hereford church and diocese for more than a hundred years. It was closely related to the great Norman house of Belmeis or Beaumes which, at the opening of the twelfth century, had risen to importance in Shropshire,¹ and in 1108, gave to London one of its most magnificent prelates.² We learn from himself that Gilbert Foliot was a monk of Cluny and rose to be prior of that great house, and that thence he went as prior to Abbeville.³ In 1139, by the influence of Milo the constable and Bishop Robert de Bethune, he became abbot of Gloucester.⁴ It is clear that he had already made his mark; for even in these early days he writes on equal terms to bishops and princes throughout Europe, and with full assurance to Bernard of Clairvaux, to the empress and the pope. Becoming bishop of Hereford in 1148, he was thenceforth constantly engaged in the service of the king, but did not on that account forget his cathedral church. In the fifteen years of his Hereford episcopate many new grants were made to the canons, and for the first time we have definite notices of the endowment of prebends. Roger Parvus gives the churches of Moreton and

¹ See Eyton, II. 193 sq.

² Gilbert Foliot calls Richard de Belmeis the second his kinsman, and assisted in obtaining his appointment as bishop of London. *Ep.* (ed. Giles), I, 40, 122.

³ *Ep.*, I. 366. I find no mention of his father; but he left provision for the obit of his mother, Agnes, to be observed on May 1.

⁴ Benediction by the bishop of Hereford, Whitsunday, 1139.

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Whaddon *in prebendam Herefordensis ecclesiae*¹; Robert de Chandos endows the prebend of Wellington, and Walter de Dunintune that of Nonnington. Bishop Gilbert, too, makes a grant of land to "his canon,"² an unusual expression which may point to the *prebenda episcopi* or bishop's penitentiary. He allows the prebend of Inkberrow to be farmed out by its holder in an agreement made binding on his successor in the canonry.³

The dean at this time was a second Ralph, who had resisted the encroachment of a neighbouring magnate on the rights of the cathedral church. In the letter of sympathy which the bishop sends to Ralph no details or names are given, nor does Gilbert offer to intervene, though we gather that for a time the dean had been compelled to leave the city, and his oppressor had even occupied the church itself.⁴ We have no other knowledge of the incident nor of its issue.

Mindful of his old home at Gloucester, the bishop secured from Bernard of Newmarch the church of Cowarne, and made it over to St. Peter's. The form of this grant is peculiar: *Omnibus, etc. G. Foliot, Herefordensis episcopus, W. decanus, cum toto capitulo Herefordensi salutem, etc. Noveritis nos, episcopali dignitate et auctoritate Herefordensis ecclesiae . . .*

¹ This prebend of Moreton and Whaddon was in the diocese of Worcester, and the consent of the prior of Worcester was necessary before a new prebendary could take possession of his estate. Worc. Reg. *Sede Vacante*, 217.

² Noverint, etc., me concessisse . . . Ranulpho, canonico meo, etc.

³ *Ep.*, I. 160.

⁴ *Exul et profugus ab ecclesia tua et civitate expelleris; et tanquam sacra laeseris omnia, gladius in te male juratus miles exacuit, nil tamen habens quod objiciat, nisi quod ejus audaciae in sanctitate et justitia restitisti. . . . Omitto prosequi quanta sit indurati cordis audacia, loca sancta non solus vilipendere sed vastare.—Ep., I. 104-6.* The dispute may have been with Earl Roger, who, as we know, about this time contested certain rights of the canons in the Forest of Dean, but at last allowed them: *testimonio baronum meorum et aliorum legalium hominum predictam hayam esse rectum in veritate ecclesiae Herefordensis scio.*

*concessisse, etc.*¹ This is the more noticeable, in that grants by Gilbert's predecessor are already in the form usual for centuries afterwards, i.e. the formal confirmation by the chapter immediately following the bishop's charter. Bishop Gilbert seems deliberately to have avoided this procedure, associating the chapter with himself in the grant. Thus in a charter included in his letters² he writes: *Ego et tota capituli nostri plenitudo . . . extendimus, hoc unanimi consensu concedentes et statuantes nostra et capituli nostri auctoritate.*

As was the common practice, the bishop provided out of the patronage of the see for numerous kinsmen. Peter Foliot and, later, Ralph Foliot were archdeacons of Hereford, and Walter archdeacon of Salop. Thomas was treasurer, and Thomas junior a canon. Robert was the first holder of the new prebend of Wellington in 1155; and another Robert Foliot is styled in the Kalendar of Obits sub-dean, an office mentioned nowhere else in connexion with Hereford except as an official of the peculiar. Simon and Geoffrey Foliot too are canons; and somewhat later a layman, John Foliot, holds under the bishop lands at Lulham—from which lands a pension of ten marks is distributed to the canons on the obit of "Thomas the dean," who may be yet another Foliot! And one of the family must have held lands in Canon Pyon, for in 1288 a hamlet in the parish is still called Pyon Foliot, though then in other hands.³

In May 1162 Richard de Belmeis the second died, and the king, with many others, thought of his kinsman Gilbert Foliot as his successor in the see of London. But there were difficulties in the way. Since the Conquest no bishop in England had been translated

¹ *Hist. et Cart. Glouc.*, I. 252.

² *Ep.*, I. 160.

³ Richard Foliot and his friend Robert Banastre followed Bishop Gilbert to London, and were made archdeacons of Colchester and Essex, with leave of absence to study at Bologna.

from the see of his consecration, except to one of the archbishoprics. Such translation, said the pope writing to Gilbert in the matter, *absque evidenti et manifesta causa*, is forbidden by the canon law. But the king required his services, the chapter was unanimous in electing him. Becket, the recently appointed archbishop, supported the "postulation," and Ralph de Diceto went with letters from all three to Paris, to lay the matter before the pope, who wrote to Foliot approving of the translation, which was completed on April 28, 1163.¹

Robert de Melun² was bishop for only four years, in his old age; and on his death (1167) the bitter contest between Becket and the king, and the confusion which followed the archbishop's murder, prevented any appointment to the vacant see until 1174, when Gilbert, absolved from all complicity in Becket's death, secured the votes of the chapter and the approval of the king for his kinsman Robert Foliot, archdeacon of Oxford, and wrote to the pope for confirmation of the election.³ On October 6 Robert, with three other bishops-elect, was consecrated by the new archbishop, just returned from his own consecration by the pope.

Throughout his episcopate, as before it, Robert Foliot was dominated by the energetic and masterful personality of his powerful relative,⁴ who dedicated to him his commentary on the Song of Songs, but did not

¹ *Ep.*, I. 191-5. Bishop Gilbert's subsequent life, and his position as agent and adviser to the king in the struggle with Becket, are well known, and do not concern us here.

² We do not sufficiently recognize the greatness of Robert de Melun as a theologian—successor of Abélard as professor at the famous school on Mount Sainte-Geneviève, teacher of John of Salisbury at Melun, fellow-worker with Peter Lombard at the council of Rheims—not the least of the great doctors of a great age. A detailed study of his theological work will be found in the *Revue d'Histoire Ecclésiastique*, July 1914.

³ *Ep.*, I. 231.

⁴ See the letters from Gilbert to Robert and to the dean of Hereford, *Ep.*, I. 298-309.

scruple to scold, if his protégé turned restive.¹ Gilbert kept a firm hand also on his old chapter, and even on the episcopal estates. He writes to Robert that one of the canons of Hereford is prepared to resign his prebend if he is assured that it will be given to Gilbert's nephew Henry. And to the dean and chapter: *Pium est his subvenire quos amor scientiae facit exules*. Let them therefore allow to a fellow-canon, R. Colec', the portion which falls to him, undiminished, while he is at the university. And again for his nephew, Ralph, the archdeacon of Hereford, *qui studiorum causa transfretaturus est*, he asks leave of absence *sine diminutione beneficiorum prebendae suae*. And he writes to the king, complaining that the bishop of Hereford has ousted four of his old servants whom he had settled on assarts at Malvern.²

When Bishop Robert died (May 9, 1186), it may have been the influence of his brother, the earl of Oxford, or that of his friend, Bishop Gilbert (who died in the following February), or that of his mother's family, the great house of Clare, which secured the see of Hereford for William de Vere.³ He showed himself a great prelate of the true Norman type, magnificent alike in his buildings and in his princely hospitality.⁴ He gathered round him at Hereford many distinguished men. Among the canons were Foliots—Ralph and Walter, archdeacons, William the precentor, Reginald, *notarius episcopi*, and Hugh, soon to succeed Walter as archdeacon of Salop, and later on to be their bishop. Ivo the treasurer was of high Norman blood, and the bishop's young kinsman Henry de Vere held a prebend. Most illustrious of the canons were Walter Map and his close friend Giraldus Cambrensis.⁵ The former

¹ *Ep.*, I. 302, 304. ² *Ep.*, I. 308, 309, 364. ³ See Appendix H.

⁴ *Strenue rexit, et multa edificia egregia construxit, et feliciter obiit* is the inscription, now long perished, which Leland found on his tomb.

⁵ Another of the canons, friend of Giraldus and Walter Map, was Simund de Freine, author of *La Vie de S. Georges* and *Roman de Philosophie* (ed. J. E. Matzke, Soc. des Anc. Textes Fran.).

was Herefordshire born, and, in addition to his canonries of Hereford and Lincoln, held the benefice of Westbury, which was afterwards in the patronage of the vicars choral. Giraldus dedicated his *Speculum ecclesiae* to his fellow-canons—*cara nobis fraternitas . . . quorum non ignoratur discretio pariter et eruditio*.¹ He too, about the year 1198, brought to the bishop's notice a certain Master Robert Grosseteste, whom he had recently met and gladly received into friendship—one whose services would be useful both in law and in medicine, and more than that, well grounded in all liberal arts, and, what is rare in scholars, faithful and trustworthy. Unless Giraldus is mistaken, the bishop will find in him a man after his own heart.² And so the young man became a member of the bishop's household, with advantage alike to the courtly prelate and to the peasant-born scholar. So enviable did life in Hereford seem at this time that Lady Maud de St. Valérie, contrasting it with St. David's, poverty-stricken and rent by faction, said: *Apud Herefordiam omnia plena, multum quidem dapnis et rixae parum. Virilitatis autem et vivacitatis materia pauca*, she added, as perhaps might be expected from the fierce wife of William de Braose.³

Such were the surroundings in which Bishop William entertained his guests in almost royal state, mingling

¹ Giraldus would seem to have been on specially friendly terms with the Foliot group (though in later days he had a bitter feud with Reginald). When Ralph the archdeacon died (*tam subito raptum, tam praepropere*), Giraldus writes to William the precentor a long letter of condolence (*Op.*, I. 268), and asks every clergyman in his archdeaconry to offer a mass for him, calling him *dilectus et specialis amicus noster*. In the disputed election to the bishopric of St. David's in 1203, Giraldus submitted four names to the chapter, Walter Map, the dean of Lincoln, Hugh de Mapenore (then dean, afterwards bishop of Hereford), and William Foliot, precentor of Hereford. The prior of Llanthony was elected (*Op.*, III. 321).

² Virum in eo juxta cor vestrum, si non fallor, invenietis. *Gir. Camb.*, *Op.*, I. 249; *Angl. Sacr.*, II. 344.

³ *Gir. Camb.*, I. 143.

the business of the king with the genial courtesies of scholarly intercourse. Giraldus, among other stories of the episcopal "court," tells us how he was present when the bishop entertained Rhys ap Gruffydd, prince of South Wales, with Archbishop Baldwin and Ranulf Glanville the justiciar; and records the exchange of graceful compliments with which Rhys and the bishop cemented friendship and goodwill between the princes of Wales and the house of Clare.¹

Bishop William was a liberal benefactor to his church. To him we owe the alteration and extension of the east end of the choir. He pulled down the Norman apses, planned the eastern transepts and the Lady Chapel with its antechapel. The transepts and antechapel he practically finished; but the Lady Chapel itself, a work of the perfect Pointed Style, must have been completed in the first half of the following century,² when also the "Early English" clerestory of the choir was substituted for the original Norman work. To the chapter the bishop was a generous friend. He endowed it with land at his palace gate, in return for which the canons promised an obit for himself and his parents. He induced the prior of Dinmore to assign to the chapter *ad cervisiam faciendam* certain tithes which had long been in dispute. On the death of his friend Gilbert of London, once of Hereford, he made over to the chapter the tithes of Cradley to provide bread for the poor on the day of his obit. He gave also to the canons *ad supplementum communae suae, quae ante tempora nostra modica fuit et eis minus sufficiens*, the church of Madley, carrying out in addition the intention of his predecessor to give them the church of Upton Bishop for the same purpose. And lastly he gave into their charge the chapel of St. Mary Magdalene between the cathedral church and his palace.

¹ *Gir. Camb.*, I. 58.

² As late as 1274, *questores* were sent round the parishes of the dean's peculiar, offering indulgences to all who would contribute towards the lights and furniture of the Lady Chapel.

Giles de Braose (1200–15) was, like all his race, a Marcher lord rather than a bishop.¹ Like most of the English prelates, he was in exile during the interdict ; and returning with bitter memories of the cruel persecution of his house,² he made alliance with Llewelyn the Great, and by his aid recovered the Braose lands and castles from the garrisons of the king. Peter des Roches, bishop of Winchester, John's trusted agent, threatened Giles with excommunication if he did not return to the king's grace. After Runnymede, from which the bishop held aloof, John sent him a safe-conduct, and invited him to a friendly conference, and in October at Rochester Giles made his peace with the king ; but on the return journey he fell sick at Gloucester and died.

After the short episcopate of Hugh de Mapenore³

¹ On the death of William de Vere (December 24, 1198) the chapter had elected their fellow-canon, Walter Map, as bishop, and some of their body with Walter himself went to Normandy to secure the king's consent. But Richard just then had a special grudge against the chapter of Lincoln, which had lately resisted his attempt to put pecuniary pressure upon it ; and, since Walter Map was canon of Lincoln as well as Hereford, his election was set aside.—*Magna Vita S. Hugonis*, 281. It is doubtful whether the king even consented to see the deputation. The canons were at Angers on March 26 ; and on that very day Richard was wounded at Chaluz, and died on April 6.

² The bishop's father, William de Braose, for thirty years the terror of the March, ruined at last by King John, a greater scoundrel than himself, had died in poverty abroad ; and his mother, the Amazonian Maud de St. Valérie, with her eldest son had been pitilessly done to death in a royal prison.

³ Hugh de Mapenore became dean of Hereford in 1207. On the death of Bishop Giles, John sent to the chapter his licence to elect, desiring them at the same time to elect a clerk of his. They, however, elected their dean, whom John refused to accept as bishop, and appealed to the pope, with whom he was now reconciled, contending that the chapter was excommunicate for favouring Bishop Giles. The chancellor and a fellow-canon went to Rome to ask for confirmation of their election, stating that excommunication had only been threatened by Peter des Roches, and that the king could not have regarded them as excommunicate or he would not have asked them to elect his clerk. The pope ordered the cardinal-archbishop to make inquiries and decide. The decision was in favour of the elect of the chapter.

(1216-19), Hugh Foliot, archdeacon of Salop, was elected by the chapter.¹ During his episcopate (as indeed through all this half-century) the chapter steadily added to its possessions and rights. Bishop Hugh gave lands for the prebend of Gorwall, and founded two chantries in the chapel of St. Katherine adjoining the cathedral church. Hugh de Kilpek, Ralph Murdac, and many others made grants of land or tithe great and small.² The abbot of Conches assigns to the canons a pension on Monkland—given *mera liberalitate*, he says in his charter, but more probably the grant was connected with the appropriation to the abbey of the benefice of Monkland. The members of the chapter now begin to take their part in adding to the comforts of their brethren. Jordan the dean, in 1175, had given the tithe *prebendae meae de Prestetune* to brew good beer for the canons, and David de Aqua bought land to increase his prebend, and gave the tithes from it to provide money for a distribution among the cathedral clergy of simnel cakes.³ Elyas de Bristol, too, provided for ampler commons both of bread and beer. The greatest of the chapter gains was the foundation of the two hospitals, of St. Ethelbert in Hereford and St. Katherine at Ledbury, which are still governed by the dean and chapter.⁴

Bishop Hugh had, however, to defend the interests of his church. He excommunicated the citizens of Hereford for unjustly distraining on his and "the

¹ The king in 1215 had put him forward as candidate for the bishopric of St. David's; but, unable to achieve his purpose, John was forced to accept the election of Iorwerth by the chapter.—Jones and Freeman, *Hist. of St. D.*, p. 295.

² John, the cook's son, gives a ground-rent of two pence; and Hugh de Kingstone sells cheaply to the canons a rent-charge in Tyberton, to raise money *ad perficiendum iter peregrinationis meae Jerosolimam*.

³ Capes, p. 24. These were annually eaten in his memory from that day forward until the ministers of Queen Elizabeth diverted the little fund to pay for an usher in the cathedral school.

⁴ See Appendix I.

canons' men " for the payment of local rates ; and the long contention was only settled before the king at Westminster, when the bishop relaxed his interdict and the citizens made restitution. He laid an interdict also on Castle Goodrich and neighbouring *vills*, for some unspecified offence of the earl of Pembroke ; and it was only removed by the intervention of the cardinal-archbishop, Stephen Langton.¹

The short episcopate of Ralph of Maidstone (1234-9) is marked chiefly by the grant to the bishop from the abbot and convent of Seez of the church of Diddlebury, which Ralph thereupon made over to the chapter.² He also gave them land in Holme Lacy, and the church of Sellack ; and to his successors in the see the London house and church of Monthalt, in Old Fish Street. He first instituted, says his obit notice, the distribution of mass-pence.³ He resigned the bishopric to become a Franciscan friar in Oxford.

¹ The last Foliot mentioned in our records is a page to Bishop Richard Swinfield, whose name occurs many times in the " Household Roll."

² See Appendix J.

³ *Hic primo instituit denarios dari ad missam.*

CHAPTER V

BISHOP PETER AND THE COMPILING OF THE CONSUETUDINES

ESCORTING the new queen to England in 1236 came her uncle William, bishop-elect of Valence, and with him his *familiaris clericus et procurator expensarum*,¹ a Savoyard of high rank, Peter de Aquablanca, who soon rose high in favour with the king. In 1239 he became archdeacon of Salop, and next year, on the resignation of Bishop Ralph, Henry, who had vainly tried to obtain for him the more lucrative bishopric of Durham, secured his appointment to Hereford.² He continued, however, in the service of the court; and, trusted minister of both king and pope, he carried through with little scruple financial expedients which were in the interests of both, and which made him perhaps the most bitterly hated of all the aliens round the king.³

Though Bishop Peter spent the greater part of his episcopate abroad on the king's service—and of his years in England three were spent administering the see of Canterbury as proctor for Boniface⁴—yet he stamped his influence most markedly upon the persons, the customs, and the fabric of his church. His obit notice records that *libertates episcopatus et capituli*

¹ Matt. Paris, *Hist. Major.*, IV. 48.

² The king in state attended his consecration in St. Paul's on Sunday, December 23, 1240.

³ For the political and diplomatic life of Peter de Aquablanca, which does not concern us here, see Professor Tout's article in *Dict. Nat. Biog.*; and François Mugnier, *Les Savoyards en Angleterre et Pierre d'Aigueblanche*.

⁴ Another of the queen's uncles, who, nominated to Canterbury in 1241, did not appear in England until 1244.

ecclesiae Herefordensis contra cives Herefordie et alios ecclesiae rebelles longo certamine vendicavit. In the first year of his episcopate he found the citizens evading the regulations of his bailiff for the sale of their wool and hides at his fair, and bound them to strict observance.¹ But the privileges of the bishop and chapter in this matter were very irritating to the trading interests of the citizens and to the official pride of the magistrates; and disputes were frequent until 1262, when Bishop Peter obtained a royal mandate settling (at least for a time) all the questions at issue. The bishop, dean, and canons are to have assize of bread and beer, the use of the town pillory and ducking-stool, and freedom of barter for their tenants in Hereford and in the *vills* of Bromyard, Ledbury, Ross, and Preston.² In fair-time the bishop is to control all mercantile transactions within five leagues of Hereford.³ His obit notice further says of Peter, *maneria episcopatus in redditibus et edificiis plurimum augmentavit et emendavit*, which we can well believe, remembering the unscrupulous artifice by which the clergy were pledged unwittingly to pay large sums to pope and king.⁴ *Inter alia*, he found much episcopal land still "waste" and set about to bring it under cultivation, obtaining from the pope at Naples, in 1254, exemption from the payment of tithes upon it.⁵ Under him, too, the north transept was rebuilt, and there he erected for himself an elaborately beautiful tomb, in which however he was destined not to be buried.⁶ But the cost of this reconstruction fell mainly on the canons, some of whom, *licet prebendarum suarum percipiant cum integritate proventus*, refused to pay their share until coerced by papal authority.⁷

¹ Capes, p. 77.

² Cantilupe Reg., p. 91.

³ Capes, 119.

⁴ Matt. Paris, *Hist. Major.*, V. 510-13.

⁵ Capes, 105.

⁶ He was buried in the choir of his collegiate church at Aiguebelle. —Mugnier, 239-43.

⁷ Capes, 80. Nine years later Pope Alexander, in almost identical words, empowered the dean and chapter of York to compel

Within a few years of his appointment a swarm of kinsmen and fellow-countrymen followed Peter to Hereford, and were quartered in the dignities and benefices of the see. This inroad of aliens was fiercely resented here as elsewhere; and the dean, Giles de Avenbury, headed a movement of resistance which culminated in embittered strife, dividing the chapter into hostile factions, which were still at war fifty years later.¹

In 1245 the bishop attended the Council of Lyons, and in that and the following year he and the chapter alternately secured from Pope Innocent IV many important grants dealing with cathedral affairs. Twice the rights and privileges of the chapter are confirmed—as it would seem, against Savoyard encroachments.² And Bishop Peter, who, as we have seen, had many relatives and friends to provide for, obtained the privilege of disregarding a papal provision which did not expressly mention his exemption.³ Then follows a series of “statutes” confirmed by the pope. No canon was to receive even the little commons until he had visited the church and been publicly installed in his own person by the dean or hebdomadary. Great commons, “which consist of tithes, rents, oblations, and lands,” are to be given only to residents, who are not to be absent more than sixteen weeks in each year, and nothing at all is to be received until after three years of service.⁴ Innocent now confirms also an earlier “statute,” that the canons shall not be more than twenty-eight, *nisi forsan in tantum excreverint ecclesiae facultates quod idem numerus sit merito ampliandus*.⁵ These restrictions were evidently aimed at the “Burgundian” element in the chapter, since

their non-resident canons to contribute their fair share (*juxta quantitatem proventuum beneficiorum*) to the burdens of the church. *Hist. of York*, III. 173.

¹ See Appendix K.

² Pap. Reg., ii Kal. Nov. 1245; Capes, 78.

³ Capes, 82.

⁴ Pap. Reg., xvii Kal. Oct.; iii Non. Nov.; xvi Kal. Dec. 1245.

⁵ Capes, 81.

they tended to make a canonry of Hereford of little value to a foreigner living elsewhere; though the bishop may have supported the last of these "statutes," since he had been confronted in the year after his appointment with a "provision" by Innocent's predecessor, Celestine, of a cardinal's kinsman (and he too a Foliot!) to a Hereford canonry, "even if there be a fixed number of canons," with injunction to the new bishop "to confer on him a prebend when possible." On the bishop's own part, we have a blow delivered at his opponents in the chapter, which could not have come with good grace from one who himself was for years at a time absent from his diocese, and who, two or three years earlier, had appointed his nephew James to the archdeaconry of Salop, though still a schoolboy, with leave of absence for five years at his studies. The pope on November 12, 1246, confirms certain "statutes" published by the bishop and dated the previous July, against non-resident canons, obliging them to reside for six months of each year in those churches in which they have a prebend, and to take whatever orders their prebend requires.¹

Within the next few years the breach between bishop and chapter widened, and the bishop determined to bring matters to a head. He announced his intention to "visit" the chapter, and his resolve to recover the churches of Diddlebury and Sellack, which had been appropriated to the canons by Ralph de Maidstone, and Lidney, given directly to them by the abbot and convent of Lyre. By March 1251 the case had been referred to Lyons to the pope,² who, however, a few

¹ Pap. Reg., ii Id. Nov. 1246.

² Capes, 89. Now, as five years earlier, the pope shows excessive caution in dealing with documentary evidence. On both occasions the chapter sent to him transcripts of their "privileges, acts, and muniments," *cum propter maris pericula, sicut asserunt*, says the pope, *ipsa privilegia transmittere formidarunt*. He therefore, on both occasions, writes to the bishop of Ely, asking him himself to inspect the original documents, and to have new transcripts made, *de verbo ad verbum, nihil minuto, addito vel mutato*.

months later had to inhibit Bishop Peter from taking drastic action against the dean and chapter while the question at issue was still undecided. Next year Richard, cardinal of St. Angelo, with the archdeacon of Canterbury and Hugh de Mortimer, were appointed to arbitrate, and the case was heard at Perugia, February 22, 1252. The bishop submitted extravagant claims which would have swept away all the customary rights of the dean and chapter. He must himself institute the vicars in all their churches, must assign them a suitable portion, and *in eisdem ecclesiis exercere officium pastorale, cum sint sitae in sua diocesi*. Also he claims the right to "visit" the canons, vicars, and clerks of the choir, and to appoint both vicars and clerks, without protest from the canons, *cum sit loci diocesanus*. Also he must have authority over the hospitals of St. Katherine and St. Ethelbert. The chapter, moreover, have no right to receive pensions from appropriated churches, which is forbidden by the decree of the Lateran Council; they have no right to the tithes of his mills and markets,¹ nor to the mill of Eigne, which they hold unjustly. He claims also to appoint an *yconomus* to remedy the negligent management of their estates; and demands the abolishing of the "peculiar," in which the dean does not permit him to exercise his episcopal office. And he disputes the dean's possession of the prebend of Hunderton, *cum non sit annexa decanatu*, and of the churches of Clehonger and Avenbury.

The arbitrators spared the bishop's dignity by some ceremonious concessions, but on every count the rights of the dean and chapter were essentially retained.² Bishop Peter evidently resented the award; for the arbitrators, three months later, write urging him to restore the church of Sellack and to show a friendly spirit;³ and next year the king intervenes, warning

¹ Given to the chapter, according to his obit notice, by Bishop Giles de Braose.

² Capes, 93-101.

³ *Ibid.*, 101.

him not to harass the chapter.¹ Meanwhile, however, the Savoyard faction was gradually gaining power in the chapter, and in 1253 Dean Giles was either driven to resign or forcibly deprived,² a foreigner named Ancelin becoming dean, and Giles taking the treasurer-ship. This change meant at any rate official peace with the bishop, whose relations with the chapter—or with its dominant section—are thenceforward cordial and gracious. He restored the church of Sellack, sanctioned the appropriation of Diddlebury, annexed the church of Bockleton to the treasurer-ship,³ bought from the priory of Crasswall lands at Holme Lacy and vested them in the canons, and obtained for them papal letters in support of their struggle with the friars.⁴ The obit notice adds that he gave to the church a precious mitre,⁵ vestments, silver vessels, and service books.

In August 1253 Peter went abroad with the king, and save for a few months in 1255–6 was not in England again until 1261. Though engaged in important negotiations in Gascony, in Spain, and in Italy, he did not lose touch with the business of his diocese, obtaining grants for the chapter from pope and king. In 1258, being now of ponderous weight, afflicted with gout, and suffering from a disfiguring polypus in his nose,⁶ he underwent a cure at Montpellier, after which he

¹ Capes, 103.

² Injuste de decanatu suo per suum episcopum spoliatus.—Gervase, II. 252.

³ Was this an attempt to placate the ex-dean, Giles, now treasurer?

⁴ See Appendix L.

⁵ A mitre bought for Archbishop Peckham cost £173 4s. 1d., an enormous sum in those days. Peck. Reg. III. 957.

⁶ Matthew Paris, who was a good hater, rejoices indecently over this "shameful disease," seeing in it the judgment of God for his sins. *Episcopus Herefordensis, multiplicibus meritis exigentibus, turpiter infirmatus morphea, polipo, vel quadam specie leprae percussus sauciatur*.—Matt. Paris, *Chron. Majora*, V. 622. *Episcopus Herefordensis turpissimo morbo, videlicet morphea, Deo percussiente, merito deformatur*.—*Ibid.*, V. 679.

visited his estates in Savoy, and there began the foundation of his collegiate church at Aiguebelle. He was now on such good terms with the chapter that they sent one of their number to visit him (combining business with friendly interest in his health). Canon Peter de Ugina found him at Lyons (where he had estates) just returned from Montpellier, his convalescence retarded by a quartan fever, "still weak and unable to ride." Never, he writes, had he so desired to further their interests as now; and he hopes soon to return to them.¹ It was, however, only in 1261 that he returned to England, reaching his manor of Whitbourne in June, and apparently remaining in the diocese until late in 1262,² when shortly before Christmas Llewelyn ap Gruffydd, whose power almost equalled that of his grandfather, raided the March and ravaged Herefordshire to within a few miles of the city. Bishop Peter, detested alike by the Welsh prince and by the English barons, thought it best to retire to Gloucester, where again he was attacked by gout. A few months later (June 1, 1263) the king himself came to Hereford to organise the defence of the border, and wrote angrily, complaining that he found there neither the bishop nor his official, neither dean nor canon,³ and peremptorily ordering their return. So the bishop dragged back his fat and his gout to Hereford, only to be seized, with his compatriots in the chapter,⁴ by Roger de Clifford and other barons,

¹ Capes, III.

² In the week after Easter he carried through the agreement with the citizens of Hereford summarized on p. 48.

³ . . . ut nedum episcopum sed nec officialem haberet, vicarium aut decanum, qui quicquam spiritualitatis exercere posset in eadem, sed ecclesia ipsa, quae olim deliciis affluere consuevit, etiam canonicis, qui ibidem nocturnis et diurnis officiis exercere deberent, eam deserentibus et longe degentibus in remotis, stola jucunditatis exuta cecidit in terram.—Wilkins, *Conc.*, I. 761.

⁴ Canonici seculares, compatriotae ipsius, quos in eandem introduxerat ecclesiam.—*Flores*, II. 480.

and carried off to the Baskerville castle of Eardisley, where he was imprisoned for some months.¹

Released from Eardisley, Bishop Peter once more went abroad with the king. But in 1264 he retired to Savoy and never again left his native valleys, where he completed the buildings of his collegiate church at Aiguebelle, and drew up statutes for its administration (dated April 21, 1267). Mindful of the hospital on his manor of Ledbury, he dedicated his college to St. Katherine,² establishing in it a provost, precentor, treasurer, and ten other canons, of whom five were to be priests. All the services were to be according to the use of Hereford.³

¹ The papal register makes it "12 weeks or more"; Roger de Clifford, in his Confession, says "almost five months." To recover his freedom the bishop was forced to grant remission of the offence, and to issue a quittance under seal and oath. But the pope, declaring this invalid, excommunicated the offenders; and Roger de Clifford was only absolved when, barefoot and bareheaded, clad only in tunic and girdle, he had "received discipline" with a rod in the cathedral church from bishop and canons, and had bound himself to the dean and chapter in 300 marks, which he paid by instalments, assigning to them certain rent-charges on his tenants at Bridge Sollers and Tenbury.—Pap. Reg., I. 412, 620; Capes, 142-3.

² In his will Bishop Peter mentions a "hospital" of St. Katherine which he had founded: *damus et legamus hospitali nostro de sancta Catherina quod fecimus*.—Mugnier, p. 311.

³ *Omnia vero officia ecclesiae in matutinis, missis et in omnibus aliis horis fiant secundum consuetudinem herefordensis ecclesiae. . . . Item officium antiphonarii legendarii martilogii in capitulo et gradalis in missa et troparii et officium beatae Mariae virginis et officium mortuorum fiet et servietur secundum modum et consuetudinem herefordensis ecclesiae, et legenda tam de Sanctis quam ferialibus per totum annum secundum eandem consuetudinem herefordensis ecclesiae*.—Mugnier, p. 303. (For the Hereford use, see Appendix M.) Two and a half centuries later, in 1533, Bishop Charles Bothe received a letter from the provost and canons of Aiguebelle. They have had hard times—the river has swept away much of their land—neighbours have not used them well—their bishop resents their adherence to the use of Hereford, and will only help them if they give it up, which they will not do—their books and vestments are worn out, and they ask assistance from Bishop Peter's old church.—Bothe, *Reg.*, pp. 273-5. There is no record of any reply of the bishop to this letter. The Hereford use was discontinued at Aiguebelle in 1580.—Mugnier, 245.

Remembering the capitular "statutes" dealt with in the numerous papal bulls to the bishop and to the chapter in 1245 and 1246, and the care with which Peter revised and re-revised the Aiguebelle statutes,¹ we may conclude that both bishop and canons were engaged in statute-making from 1245 onward. Yet—perhaps because of the years of dissension—no officially sanctioned body of statutes was issued. The *consuetudines et statuta*, as we have them, seem to have come into being almost casually, with a new clause added from time to time, as any question arose needing decision. Elsewhere some sections at least of the statutes are referred to a bishop or dean as their promulgator. Thus at St. Paul's the *consuetudines extractae ex plurimis antiquis libris et munimentis in archivis ipsius ecclesiae existentibus, ipsas consuetudines sparsim praeter certum ordinem olim confuse continentibus* were codified by Dean Baldock before 1305, and revised with additions by Dean Lisieux about 1450. Of Salisbury we have the *Institutio* of St. Osmund himself (1091), and the *De Officiis Ecclesiasticis Tractatus* of Richard Poor (dean 1197–1215, and bishop 1217–29). Lichfield looks to Bishop Hugh of Nonant (1188–98), Exeter to Bishop Grandisson (1327–69), the essential requisite being the existence of a man in authority equal to the task and willing to carry it through. At Lincoln, as at Hereford, custom, unwritten or imperfectly registered, seems to have been the only guide, until Bishop Alnwick in 1440 formed a digest of the constitutions and customs of the Church.² The Hereford *consuetudines et statuta* (though additions were made later here and there) belong in substance,

¹ *Istas autem constitutiones posuit Petrus herefordensis episcopus, usque ad decennium corrigendo, diminuendo, interpretando, addendo, subtrahendo vel alias de novo faciendo.*—Mugnier, 307.

² An attempt was made in 1214 to reduce the customs of the Lincoln chapter to writing, in response to an inquiry from the bishop of Moray, who was establishing a miniature chapter of eight canons in his newly settled cathedral church.

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and largely also in form, to Bishop Peter's day. Individual sections are probably earlier. But their collection and arrangements were suggested, if not necessitated, by the discussions and dissensions of the first ten years of his episcopate.

CHAPTER VI

THE CONSUETUDINES OF HEREFORD

ALL the cathedral bodies of Western Europe developed on practically the same lines. Yet, though there is a general resemblance in their organization and arrangements, many differences in detail are to be noted, no two churches having precisely the same constitution, even when they have borrowed rules and statutes from one another, as they frequently did. The influence of Sarum, direct or indirect, is manifest in most collections of cathedral customs and statutes. Lincoln, Lichfield, Wells, and Chichester incorporate, *verbatim* or nearly so, whole sections of the *Institutio Osmundi* or of the *Tractatus*. St. Paul's, though differing in many respects from churches of the strictly Norman model, and quoting directly from the Rule of Chrodegang, does not altogether escape the Sarum influence. And at Exeter, which felt the Norman influence later than the other churches (having its first dean only in 1224-5), Bishop John Grandisson, in his great reforms of the mid-fourteenth century, definitely adopted Sarum as his model. Only the two cathedral churches which retained their independent "uses" down to the sixteenth century—York and Hereford—seem from the beginning to have been uninfluenced by Sarum. The "Statutes" of York and the *Consuetudines* of Hereford—though, of course, certain features derived from Normandy by all the English churches, such as the duties of the *quatuor personae*, are stated in much the same terms as at Salisbury—in no case show verbal agreement with

the Sarum documents ; and without verbal agreement we cannot assume that one chapter borrowed its customs from another.

Though the Hereford *Consuetudines* were never officially sanctioned, we can date them within a few years. They could not have been drawn up before the constitutional disputes of 1245-6¹; and they can scarcely be later than 1264, since there is no mention among the greater festivals of *Corpus Christi*, which was instituted in that year. They have been printed, from a careful collation of the existing manuscripts, in the *Statutes of Lincoln Cathedral* (Bradshaw and Wordsworth), II. 36-87. In this chapter, therefore, I propose to give only an abstract in English of their provisions, adding a few illustrations from, and comparisons with, the customs of other cathedral churches.

CONSUETUDINES ECCLESIE

The bishop collates to a vacant prebend ; the dean, or in his absence the hebdomadary, together with the chapter, installs, and invests *per textum et per panem*.² The installation must not be *clandestina per aliquam personam forinsecam*.³ A new canon takes oath to be faithful to the Church, to observe its ancient and reasonable customs, and to obey the statutes, especially

¹ See page 49 sq.

² Almost everywhere collation to a vacant prebend *spectat ad episcopum*. But at Salisbury certain prebends were in the gift of the heirs of the founders, and another was to be given by the bishop to the founder's nearest of kin, provided he were *aptus et idoneus ad servitium in ecclesia* (Reg. S. Osm., I. 381, 383). At York the bishop collated, *nec tamen sine consilio et assensu decani et capituli* (Hist. York, III. 35). At York, too, the investiture *per librum et panem* pertained to the dean, but the installation to the precentor (Linc. Cath. Statutes, II. 93). At Lichfield and Wells *canonici ab episcopo institutionem, a decano vero possessionem de prebendis accipiunt* (Linc. Cath. Statutes, II. 16, and in the same words, Wells Statutes, ed. Reynolds, 45). At Hereford the investiture is still *per textum et per panem*.

³ Cf. the private installation of Pontius de Cors, and its sequel (Appendix K).

those confirmed by apostolic authority.¹ Then let him offer or not offer residence.² After taking the oath—but only if it has been taken personally and not by proxy—he may receive the little commons. Next the more important customs and statutes are explained to him—"others he may learn by experience."³ First, he must not reveal the secrets of the chapter, and if he hears *sinistra* about a fellow-canon he must not reveal the person from whom he had it. Also, if any question arises about commons, he will abide by the decision of the chapter, *nec convolabit ad superiorem*. Also, disputes between canon and canon are to be decided by the dean and chapter; only if they refuse justice may appeal be made *ad superioris examen*.

Commons are of three kinds: the little commons, consisting of corn⁴ from the four manors of the canons, and twenty shillings in three instalments—given to each canon who has taken the oath, whether in residence or not; the great commons, paid three times a year to all who are in regular residence, among whom all the rents and offerings are divided; the quotidian, bread and beer from the canons' bakehouse and brew-house, and mass pennies, given daily to all canons present at Matins in their robes, whether resident or not.⁵ A canon, according to the custom of the church, receives for a year and a day after his death whatever he received when living.⁶

¹ In our Hereford copy *apostolica* has been crossed through, and *regia* written in the margin. This simple oath of five lines may be compared with that of six times its length in the statutes of 1636, which canons of Hereford still take.

² See Appendix N.

³ The particular customs thus explained apparently involved perjury, if not observed: for *alia quaedam sunt de honesta et longa consuetudine quibus non observatis non incurrunt perjurium*.

⁴ In 1536 this was 40 modii of wheat and 45 of oats.—*Reg. Foxe*, p. 364.

⁵ See Appendix O.

⁶ This custom has continued to the present day at Hereford. It was customary also at St. Paul's (*Statutes*, ed. Sp. Simpson, p. xxxiii) and at Lincoln (*Black Book*, 115, 277). At Sarum two-

Those are truly resident¹ who personally and continually attend the offices of the church; or (always with licence from the chapter) are on pilgrimage; or are away on the business of the church; or are at the university. Those in continual residence may be absent for sixteen weeks in each year, but these not continuous—never exceeding seven weeks at a time. One night a week they may be absent, and three nights for blood-letting.

For pilgrimages in England, a canon who has offered residence may be absent three weeks in each year; and once in his life he may go on pilgrimage beyond the seas—seven weeks being allowed for the journey to St. Denys at Paris, eight to St. Edmund (Rich) at Pontigny, eighteen to Rome or St. James of Compostella, and a full year to Jerusalem. For study at the university two years are allowed, with a third *de gratia, si petierit*.

The prebends are not mentioned in detail, though we are told that they are twenty-eight in number,²

thirds of a dead canon's prebend went to the other canons, and one-third to the poor (*Reg. St. Osm.*, I. 199–200); at Wells two-thirds went to the other canons, one-third to the deceased (Reynolds, p. 67). At Chichester the pope ordained in 1163 that when a canon died, half the prebendal income for a year should go to the other canons, half to the church; and if he died in debt, his debts were to be paid out of this latter half. But some thirty years later Bishop Sigefrid decided to leave the income for a year and a day to the deceased canon's relatives (Swainson, 35).

In Norman churches also the custom varied with regard to a deceased canon's prebend. At Bayeux the year's revenue was distributed to the poor for the good of his soul. At Rouen and Coutances the bishop enjoyed *jus deportationis*, i.e. he took the income for a year after a canonry became vacant. At Le Mans the chapter took the whole (*Lib. Alb.*, p. 79). At Notre-Dame de Paris the abbot of St. Victor (who held one of the prebends) received *panem capitularem et vinum* from every canon who died, for a year after his burial.

¹ *Dicuntur vere residentes*. The term *residentiarii* first occurs in a resolution of the chapter in 1356 (Capes, p. 227), and it is found occasionally afterwards. But usually our records speak of canons *plene et vere residentes per totum annum*.

² The number of prebends in some of the French cathedrals seems almost incredible. St. Martin's of Tours is said to have had

seven for priests, seven for deacons, seven for subdeacons, and seven apparently for youths still at school.¹ Two are specially noted as different from the rest. The holder of the prebend of Moreton and Whaddon, whether he resides or not, has no share in the commons, little or great; while of the quotidians he gets only the bread, if resident, or half a mark a year, if not resident; and he takes an oath to be content with his portion.² And the prebend which is called *vicaria episcopi*³ differs from the others in two points: its holder cannot go outside the city in his life, and he does not share in the commons after his death.

The abbots of Lyre and Cormeilles are canons of Hereford, having stalls in choir and place in chapter, but no voice in elections. They do not share in commons, little or great, but, if present at Matins, they receive quotidians, and when they have

at one time 200; and we know that Rheims had 80, Notre-Dame de Paris 60, Metz 60 (reduced later to 40), and Rouen and Bayeux 50 each. In England, St. Paul's had 30 greater canons, York had 38 prebends. At Salisbury the number seems to have varied at different times; it was—counting the bishop, who holds a prebend with the others—53 in 1228 (*Reg. S. Osm.*, II. 104). Wells also had 53, Exeter had always 24 prebends, Lincoln 58.

¹ In 1565 Philip Sidney, then a boy at Shrewsbury School, was collated to the prebend of Moreton Magna, which he held, with the rectory of Whitford in Flintshire, till he came of age ten years later. Yet nearly 300 years earlier Bishop Swinfield firmly resisted pressure even from the king, who asked him to give a canonry to a child only ten years of age.—*Reg. Swinfield*, pp. vii, 1.

² He had every reason to be content, for in the assessment of 1532 his prebend (*dicta anormala*) is worth £43 6s. 8d., while the others range from £20 down to 4s. 4½d. This difference in value often brought about a sort of "general post" in the stalls, when the holder of one of the more valuable prebends died. At Exeter alone of English cathedral churches, the 24 prebends were of equal value—*propter quod*, says Bishop Warelwast, *contigit quod major est pax et tranquillitas in dicta ecclesia quam in quibusdam aliis cathedralibus*.

³ In later days this is *prebenda episcopi* or *penitentiarii* (often called the Golden Prebend, though its value in 1536 was only 37s. 8½d.). At Hereford, as at Rome, the penitentiary was preacher and reader in divinity. Even to-day the holder of this prebend has the option of taking the office of *praelector*.

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ministered at the high altar they share in the offerings ; in their absence their four vicars receive bread and beer in their stead.

CONSUETUDINES CHORI

The bishop, if in the diocese and *potens*, at Christmas, on Ash Wednesday, Maundy Thursday, Good Friday, Easter Eve, Easter Day, and the feast of the Assumption of the B.V.M., should personally be present in the cathedral church and *officium ecclesie secundum quod pontificalis requirit auctoritas consummare*.¹ On the other principal and double feasts throughout the year the dean *debet officium peragere*.² The dean takes his week as hebdomadary in his turn with the other *canonici sacerdotes*.³ His place, however, may be taken, on ferial days and if necessary on feasts of nine lections, by a priest-vicar, whom he shall present to the chapter.

It is for the dean to pour water on the bishop's hands, and with the precentor to lead the bishop to and from the incensing of the high altar ; and carefully to provide that the clergy, greater and less, are punctual, decorous, and devout.⁴

It is the office of the precentor⁵ to commence the first chant in solemn procession, to start the sequences at Mass and Vespers, to assign office to the ruler of the choir, and *totius cantus et psalmodie curam gerere*.

¹ This was the rule also at St. Paul's and at York, though the list of feasts is slightly different. It seems from an entry in the Mayew Register (p. 112) that at Hereford the bishop took an oath to do this ; but in two and a half centuries the days on which he was bound to officiate have changed.

² For a list of the *principalia* and *duplicia* according to the Hereford Use, see *Brev.*, III. 249.

³ At St. Paul's the dean was not always a prebendary ; if not he had no voice in chapter.

⁴ No one could enter the choir after the first *Gloria* in the Psalms at any of the Hours, nor after the reading of the Gospel at Mass. Entering or moving in the choir, everyone must bow to the altar and to the dean.

⁵ At Lichfield *officium precentoris est vices decani absentis in ecclesia supplere*.

He is to find and present to the chapter a succentor. He has also to take charge of, and when necessary to repair, the music books.

The office of the treasurer¹ is to provide all the usual candles and lamps in the church—three lamps burning night and day before the high altar, with two which are lighted only at Matins ; three others burning night and day—one *in capitulo*,² one *in pulpito ante crucem*, and one before the altar in the Lady Chapel. (Then follow several pages of minute directions as to lights and their number on various festivals. Two candles are always to be lit before the bishop, whenever he is in the church *in pontificalibus*.)³ The treasurer has the keys of the treasury and the guardianship of the vessels, relics, and vestments, together with the chapter seal under three keys. He presents to the chapter a man known and approved, as sub-treasurer.⁴

The office of the chancellor⁵ is to keep, and when necessary repair, the books of the church ; to regulate

¹ See Appendix P.

² Capitulum is here used probably in its original meaning of the head or upper end of the church—in earlier days the apsidal ending east of the high altar. Here originally the bishop sat surrounded by his clergy. Being thus the natural meeting-place for dealing with the business of the church, it came to be the name of the assembly, as well as of the place.

³ This custom is still observed.

⁴ To defray the cost of the lights, etc., the treasurer had an income derived from the manor of Breinton, the rectories of Bockleton and Bartisham, and the surplus wax throughout the church. But in the years that followed the death of Bishop Cantilupe, the offerings of tapers at his tomb became so numerous, beyond what was used for lighting, that they are valued in the *Taxatio* of 1291 at £20, equal to at least £300 in our day. The dean and chapter claimed to share this new profit, and after some disputing the bishop as arbiter assigned two-thirds to the treasurer and the remainder to the chapter. Some forty years later, when the pilgrims ceased to flock to the shrine, the rents of certain shops in Caboche Lane were added to the emoluments of the office ; and in 1525 the Mastership of St. Ethelbert's Hospital was annexed to the treasurership.

⁵ Called since 1716 by the questionable title of "chancellor of the choir," a term invented apparently by Bishop Bisse, when in that year he appointed his younger brother to the chancellorship.

all that has to do with reading; to hear lections; and to compose and write the charters and briefs of the chapter.¹ He is to provide a master in arts as regent, whose duty it is to table the readers,² and to hear the lections *vice domini sui*.³

[There were several "peculiars" connected with members of the chapter. That of the dean consisted of a large group of eighteen parishes with several dependent chapelries, within and around the city, which were exempt from the jurisdiction of the bishop, and under the dean's ecclesiastical control. He instituted the incumbents, conducted regular visitations, and summoned offenders before his court in the cathedral church. The business was transacted by a sub-dean (with no position in the cathedral church), who was sometimes an evil influence in the deanery. For, says the Register of Bishop Swinfield, *quum subdecanus credit aliquem vicarium vel rectorem habere pecuniam, statim adversus eum querit occasionem. Nec mirum, another entry says, si magnam pecuniam adquirat dominus decanus occasione jurisdictionis quam habet.*

The peculiar of the chancellor consisted of the parishes of Little Hereford and Ashford Carbonell; and the prebendary of Moreton Magna had like jurisdiction in that parish. They issued their visitation questions, had citations served, excommunicated offenders, and imposed penances.⁴

No one, priest, deacon, or sub-deacon, can be

¹ At Bayeux there was a special rule that a chancellor who could not write must appoint a competent clerk to do the work.

² At Salisbury the precentor tabled the readers and servers as well as the chanters.

³ It is provided in the later document that no one, tabled for reading, should presume to do so unless the lection has first been heard by the chancellor or his regent.

⁴ These peculiars retained their independence until the middle of the eighteenth century, when in 1756 Bishop Beauclerk, "determined," he said, "by God's leave to visit the clergy and people within our diocese, as well in places exempt as not exempt," issued an "Inhibition of the Peculiars," after which the separate jurisdiction gradually disappeared.

admitted to the choir, except by licence of the dean and chapter; and all must keep their appointed place—on the third form, canon or priest; on the second, vicars who are deacons or sub-deacons; on the first, clerks of inferior orders.

The perpetual vicars receive “a certain portion” for serving the church and must never be absent without leave of the dean and chapter, except two nights for blood-letting (but this not on feasts of nine lections). Four of these are vicars of the abbots of Lyre¹ and Cormeilles; six (two priests, two deacons, and two sub-deacons), of the foundation of Bishop Ralph de Madestone, are supported from the revenues of the church of Diddlebury. There are also four priest-vicars who serve, one *ante crucem*, another *in officio Beate Virginis*, and two *pro anima magistri Philippi Rufi* and *pro anima magistri Alexandri*.² Vacancies among the vicars are to be filled up, as to four by the abbots, the others by the chapter. Within a year and a day from their appointment vicars are to know *corde tenus* the psalter, antiphonary, and hymnary, or to be removed from their office.³

Only a canon in priest's orders, or the dean's vicar, may celebrate at the high altar.⁴ Each day the

¹ There is an ordinance of Bishop John le Breton, in 1269, constituting the abbot of Lyre *ex officio* canon of the cathedral “with a stall in the choir and place in chapter”; providing also that his vicar *panem et cervisiam percipiet* (Capes, p. 121). But this would only seem to be an official confirmation of a long-existing appointment, made at the time when Lyre was transferring the advowson of Shinfield to the chapter. In any case the reference to the abbot in the *Consuetudines* must be earlier than 1269.

² It is not certainly known who Philip Rufus and Alexander were. Hugh de la More, circ. 1220, gives to the canons a rent-charge of 12*d.* for distribution at the obit of Philip Rufus (Capes, p. 54); and in 1239 we find mention of Alexander, chaplain of the cathedral church (*ibid.*, p. 76). See also Appendix W.

³ See Appendix Q.

⁴ In 1175 Pope Alexander III wrote to the archbishop of York that none save bishops or canons should dare to celebrate mass at the high altar of a cathedral church.—*Hist. York* (Rolls Series), III. 82.

celebrant receives 4*d.*, the hebdomadary deacon 3*d.*, the hebdomadary sub-deacon 2*d.*, and every canon present receives 1*d.*, with extra distributions from oblations, and wine on greater festivals.

The office of the succentor is to table the singing ; to rule the choir and its rectors ; and, on the greater festivals, to distribute copes, in distributing which he is not to honour one more or more frequently than another.¹ He has also to provide five clerks *de schola sua* to begin the antiphons on festivals and at the obsequies of the dead.

What ought to be sung or read in the choir is to be found at length in the books.² *Que vero solempnitas adhibenda est*, and by what persons or at what times this or that should be done, the manner of tabling, and the difference of feasts, *cum dispositione cantorís*, will be found in a *libellus* of Ralph of St. Albans.³

Here end the *Consuetudines* of the mid-thirteenth century.⁴ The next part is a much later compilation supplementary to the *Consuetudines Chori*, promulgated on authority and written in the first person plural. Some phrases almost compel us to assume the bishop

¹ In 1390 Bishop Trefnant ratified a new statute of the chapter *de capis processionalibus nimia vetustate corruptis adeo quod indecens est canonicis in processionibus aut in choro publice talibus uti capis*. In 1469, to end a dispute between two of the canons, the bishop, as arbiter, decrees : *succentor . . . cujus officium est capas in choro distribuere . . . indifferenter distribuat*. In the Elizabethan statutes there is no mention of copes ; but in the Caroline statutes (drawn up under the influence of Laud) it is provided that no celebration is to take place on Sundays and festivals, *nisi dalmaticis (quos capas vocant) induantur, quam primum parabuntur*.

² For the books a church was bound to possess, see *Exeter Reg.*, Quivil, under date April 16, 1287, and Wilkins, *Concilia*, II. 139, 280.

³ This treatise apparently is not extant ; nor do we know anything of its author, beyond his obit notice under October 28, which tells us that he was a canon and priest, and left to the church a valuable cope and a rental of 15*s.* for distribution on his anniversary. Dr. Frere thinks that Ralph's book is represented, in some degree at least, by the Ordinal and the Rubrics in the Breviary of Hereford.

⁴ *Hec de consuetudinibus Capituli ad presens meminisse sufficiat.*

as promulgator¹; and again we have a few expressions which rather suggest the dean.² Several paragraphs are quoted almost *verbatim* from the earlier document, and the disciplinary provisions of the previous code are repeated in stronger language. The succentor is to report those who, being tabled, have been negligent or absent; and if deacons or sub-deacons, they are to receive discipline *nudato tergo*, from the hebdomadary; if priest-vicars, they are to appear before the chapter, and *flexis genibus* humbly to beg for pardon. The five clerks from the succentor's school are now to be *pueri in puerili voce cantantes bene*, who are not to enter the choir except *caligis et sotularibus calciati et roba honesta induti*; careful directions are added as to the shaving of their heads, and their good behaviour.³

Much of the new code deals with the need of more careful rendering of the services in the choir, the irregular attendance and lack of discipline among the clerics of the first form, and the slanderous conversation, *quod et fateri erubescimus*, of the vicars, even *ad mensam dominorum suorum*.

¹ De capituli nostri consensu et voluntate—nos cum capitulo ordinabimus, etc.

² E.g. *petita a nobis vel ab ebdomodario licencia*.

³ Once a year, for the services of Holy Innocents' Day, the choristers elected one of themselves as boy-bishop (*episcopus puerorum*). On the eve of the festival, when, in the *Magnificat*, they came to the words *Deposuit potentes de sede, et exaltavit humiles*, the bishop changed places with the boy, and the dean and some of the canons similarly exchanged with the other boys, all of whom were robed *in capis sericis*. The boy-bishop took a leading part in the service and gave the blessing. In all the services next day he took the bishop's place, and finally blessed the people. *Et sic compleatur officium puerorum*. The boy-bishop then received his mass-pence with the canons.

CHAPTER VII

THE MIRACLES AND THE BUILDING OF THE TOWER

WHEN Bishop Peter died in 1268, he was succeeded by John le Breton, the six years of whose episcopate were marked chiefly by the dissensions in the chapter between the Burgundian and the anti-Burgundian canons.¹ Nor of the rule of his successor, Cantilupe, is there much to record that bears on the history of the cathedral church, since the canons had no part in the dispute with Archbishop Peckham, which drove the bishop abroad and ended in his excommunication. Cantilupe showed his dislike of the Savoyards more markedly than Bishop John had done; and the feud was at its bitterest in his time. One of his first acts was to write strongly to the chapter concerning the scandal of two rival deans, each appointing his sub-dean to exercise coercive jurisdiction in the eighteen parishes of the dean's peculiar. Next year he issued a mandate to Luke de Bree to take over the jurisdiction of the deanery, since the disputes of the rival claimants were "preparing the way to Gehenna." This appointment being resented by the canons, as an infringement of their rights, the bishop met them in conference; and it was agreed that the chapter itself should assume decanal jurisdiction, with or without the consent of the rival deans, and should delegate its powers to some one or more of its members.²

Though he never treated the chapter as his council, or had friendly relations with at least its Burgundian element, Bishop Thomas firmly upheld it against

¹ See Appendix K.

² *Cant. Reg.*, 2, 3, 112-15, 118.

the townsfolk. At Hereford, as in other cathedral towns, there was constant discord between the two independent governments, ecclesiastical and civil, each with its own officials and courts, and a different police system often on opposite sides of a street. Collision between such rival vested rights was inevitable, and in the archives of the chapter are long lists of cases in which tenants of the canons' fee have been illegally arrested by the mayor or his officers. In 1227 Bishop Hugh Foliot, man of peace though he was, had been driven to excommunicate the citizens.¹ As always, they submitted for the moment, but only to renew the struggle when opportunity offered.

In 1262 an elaborate agreement was drawn up before the justices of the crown, providing for the bishop and chapter the assize of bread and beer, the use of the town pillory and ducking-stool, and freedom of barter for their tenants.² But Cantilupe was compelled, at the opening of his episcopate, to appeal to the civic authorities to respect the "liberties and free customs" of the chapter, which once again were gravely infringed by the mayor and bailiffs of the city³; and in 1272 the itinerant justices of the king were called in to prevent the tenants of the chapter being tallaged by the sheriff with the other citizens.⁴

Richard Swinfield, who had been Cantilupe's confidential clerk and chaplain for eighteen years, succeeded him as bishop in 1283. He worked unceasingly, in co-operation with the chapter, for the canonization of his patron. Cantilupe's character,

¹ Capes, p. 63.

² See p. 48, and *Cant. Reg.*, p. 91.

³ *Cant. Reg.*, p. 5. In the following century (1389) the chapter obtained a royal licence to enclose the precincts, since there were at night *crebrae occasiones incontinentiae*; and even the bodies of the dead were exhumed by pigs and other beasts. The citizens, resenting this as an attempt to obstruct rights of way, carried off the gate, and were fined two hundred pounds, the fine being remitted by the chapter on their consenting to refer the dispute to the bishop. Capes, p. 250.

⁴ Capes, p. 128.

as revealed in the constant law suits which drained his purse and tried his temper, and in the ascetic unloveliness of his private life, has little in it that is attractive. Yet the unswerving devotion of Swinfield and other friends, as well as of his household servants, is evidence that there was something winning after all in his sanctity.¹ And the ultimate canonization of a man who died excommunicate testifies to the lasting nature of that devotion. Be that as it may, marvels of faith-healing followed the placing of Cantilupe's bones in the monument erected by the chapter in the north transept. Then came an outburst of enthusiastic devotion. Pilgrims flocked from far and near; almost all the English bishops offered indulgences to those who visited the tomb²; votive offerings covered the walls of the transept; royalty came to Hereford to pray at the shrine; and for eighteen years money poured lavishly into the cathedral treasury. Bishops and magnates sent petitions to Rome; and even the king sent a private letter on the subject to the pope. A papal commission of inquiry visited Hereford in 1307. But it was only in 1320 that John XXII, by a bull of canonization, officially conferred the title of Saint, which had already been given by the popular voice.³

The offerings at the bishop's tomb were so bountiful that, in the twenty-five or thirty years following his death, immense sums were spent on the fabric of the church. A fabric-roll of 1291 shows that the equivalent of £4,000 in present value was spent on the building in that year. And in 1320 the pope writes to the chapter that they have raised many superstructures of sumptuous workmanship to the adornment of the house of God, on which they have spent 20,000 marks

¹ Even John de Aquablanca, who had little cause to love the bishop, left a small sum in his will towards the cost of his tomb. Capes, 186.

² Capes, 153, 194.

³ See Appendix R.

and more.¹ Chief among these works were the aisle of the north transept, in which the tomb was erected five years after the death of the saint, the building of the great central tower (perhaps also of the western tower), and the aisles of the nave, with the inner portion of the beautiful north porch.

Scarcely, however, was all this completed, when it was discovered that the foundations were utterly insecure. The new work had been built on the ancient foundation, which, in the judgment of masons and architects of reputed skill in their art, was deemed firm and solid.² But now the ruin of the whole was threatened unless the fabric was entirely renewed from the foundations. Appeal was made to the whole country. The king authorized a general collection; the bishops offered indulgences; and all England was mapped out for the collectors' rounds.³ Bishop Orleton, who had succeeded Swinfield in 1317, had great influence with the pope, and secured from him a bull, appropriating to the chapter the church of Shinfield near Reading, *in usus fabricae fabrica ipsa durante*.⁴ This was in February 1320; and the long-expected canonization, coming in the following April, brought fresh troops of pilgrims with more money. And so the great work was taken in hand.

¹ Multa ad decorem domus Dei superedificari fecistis opere sumptuoso, in quorum constructione viginti millia marcharum sterlingorum et amplius consumpsistis.—Capes, 184.

² Supra fundamentum antiquum, quod iudicio cementariorum seu architectorum qui in arte sua reputabantur periti firmum et solidum putabatur.—*Ibid.*

³ In the archives of the dean and chapter is a roll for the deaneries of Norfolk, giving in detail the contributions of the various parishes.

⁴ Capes, p. 185. The tithes of Shinfield were leased to Bishop Orleton, in recognition of his services, for £20 a year. In 1327 (after his translation to Worcester) he writes to the chapter that *expositis necessitatibus variisque ruinis ipsius ecclesiae quas plus solito patitur hiis diebus*, he will double this payment.—Capes, p. 209. From this it is clear that the work of rebuilding had lasted seven years and that the stream of offerings had at least partially dried up.

The foundations were renewed, the aisles of nave and choir were rebuilt, and the great eastern transepts reconstructed, leaving the building, save for some additions such as the Stanbury and Audley chapels and the so-called Booth porch, very much as we see it now.¹

¹ The ruin of the Early English work of the aisles, due to the subsiding of the foundations, would seem to have destroyed the monuments of the earlier bishops, only that of Aquablanca escaping destruction. When, therefore, the work of renovation was undertaken, about 1320, the renewal of these monuments was made a part of the design. Low-arched recesses were formed in the inside of the choir-aisles ; and in each recess was placed the effigy of a bishop, five on each aisle, with two in the north-east transept. One of these latter, of more elaborate workmanship than the rest, is the tomb of Richard Swinfield (whose death in 1317 may have been hastened by grief at the threatened ruin of the church). To the others the names of bishops of the Norman period were assigned, almost, as it would seem, by haphazard. This explains the series of monuments all executed at one time, with names covering a century and a half.

CHAPTER VIII

THE MIDDLE CENTURIES

THE translation of Bishop Orleton to Worcester in 1327 marks the end of a century of struggle for the chapter, and the beginning of its settled life. The rebuilding of the church was practically completed; the Burgundians had ceased from troubling, Dean John, who died in 1320, having been their last survivor; and the capitular finances were in a better state than ever before, thanks to the *cultus* of St. Thomas Cantilupe and the shrewd helpfulness of Bishop Orleton. And so, for the next two hundred years, the customary routine of the cathedral life was rarely troubled, and never very seriously. Through all this period—except for minor differences—the relations between the bishop and the chapter were quite friendly and cordial. The canons, it is true, were not often collectively consulted as a sort of diocesan council.¹ Indeed, the bishop seldom resided in Hereford, and perhaps rarely met the chapter as a whole.² But individual dignitaries and canons were constantly appealed to for many forms of work on his behalf. As his proctors or representatives in synods and in Convocation, as commissioners to conduct formal inquiries or to transact business in his name, and as judicial delegates to act in ecclesiastical disputes, their names are seldom

¹ At Sarum in 1301 the bishop writes to the dean and chapter: *Propter ardua quaedam negotia nos et ecclesiam nostram contingentia consilio vestro plurimum indigemus.*—Simon de Gandavo, *Reg.*, p. 67.

² Gascoigne (p. 36) says that John Kempe, archbishop of York, only twice in twenty-eight years visited his diocese, for not more than a few weeks each time.

absent for long from the pages of the registers. To one or other of them were referred the papal mandates to provide poor clerks with livings from some religious house, the gaol deliveries of criminous clerks, and the proceedings in the matter of purgation. Members of the chapter regularly acted as vicars-general in the absence of the bishop; they conducted visitations of parishes and religious houses; they threatened with excommunication citizens who infringed the bishop's privileges at his fair; they acted for him at the papal court, audited the accounts of his bailiffs, adjudicated in divorce suits, and carried through various business delegated by the pope. In short, the canons, by their voluntary and unpaid services, largely supplemented the action of the officials of the episcopal chancery and of the consistory court.

At Hereford, far more than elsewhere, the sanction of the chapter was needed for many formal acts of the bishop which concerned his interests only. Not merely was their consent required for transfers and leases of his official property (as was prescribed by canon law for security against the extravagance of individual bishops), but even the appointments of his bailiffs, seneschals, foresters, and porters had also to be submitted to them.¹ Even to-day certain acts of the bishop (e.g. the appointment of the diocesan registrar) are not binding on his successor, unless formally confirmed by the chapter.

The bishop, on the other hand, possessed something more than the power of a trustee over the canon's houses. He not only collated to them at his will, as to the canonries themselves, but, as the residentiaries became fewer, he let canonical houses to laymen on long leases. At first the rents, in such cases, were

¹ In most cases this sanction was purely formal, but the power of veto was not always in abeyance, as Bishop Scory discovered, when he wanted to pull down part of his palace as "uncommodious and unwholesome," and the chapter withheld its consent. See p. 87.

assigned to the fabric fund. But gradually the interests of the chapter were completely disregarded, and the bishop became owner rather than trustee. As late as the beginning of the nineteenth century a canonical house in Castle Street was actually sold by the then bishop, and the purchase-money retained by him, without regard to any chapter rights, and apparently without any protest from the canons. The bishop, however, would seem to have had no right of interference in the matter of dilapidations, though the holders of the houses were persistently negligent. Not seldom the bishop writes to the chapter deploring the ruinous condition of the precincts, but he could not compel repairs.

Episcopal sanction (and sometimes also that of the pope) was always required for the appropriation of churches in the patronage of the chapter; and it seems always to have been given. By this practice the ecclesiastical patrons of the benefice became its rector, taking the whole income of the church, subject only to the reservation of about one-third for the maintenance of a vicar. We have already seen how Diddlebury was appropriated for the supply of six vicars to be always in attendance at the cathedral church¹; and how the tithes of Shinfield were assigned to the fabric.² In 1330 Lugwardine, with its dependent chapelries, was appropriated for the endowment of more vicars choral and for the fabric.³ Other churches were appropriated to increase the commons of the canons—Upton Bishop⁴ and Madley⁵ about 1200, and the chapelry of St. Mary Magdalene, near the bishop's palace, a little later. The tithes of Sellack provided the payments—fourpence to each canon—for every attendance at mass.⁶ Then Holmer, Stanton Long,

¹ See p. 46.

² See p. 71.

³ Capes, p. 210. T. Charl., *Reg.*, pp. 16, 34.

⁴ *Ibid.*, p. 36.

⁵ *Ibid.*, p. 37.

⁶ Obit notice, vi Kal. Feb. See also Capes, p. 168.

and Pipe were taken over *in proprios usus*.¹ Similar appropriations to religious houses in the diocese were sanctioned by the bishop ; but in these cases a payment of a mark or half a mark a year was to be made from the appropriated church for the support of the cathedral choristers.

At times, as we might expect, there was a less cordial tone in the bishop's language to the chapter. Swinfield strongly expostulated at the harshness with which newly appointed canons were defrauded—as he regarded it—of the customary commons.² Spofford sternly informed the dean and chapter that if certain “transgressions and excesses” at their Ledbury Hospital were not set right before Easter—he was writing late in January—he would himself take action in their stead.³ The litigious Trefnant intervened even at the funeral of Dean John Harold to claim the exercise of the decanal jurisdiction during the vacancy.⁴

The bishops would have been fully justified had they complained of the harshness with which the chapter enforced its exclusive right of burying in the cathedral close not only the citizens of Hereford but those living in a wide district around the city.⁵ The parishioners of Allensmore suffered hardship in this matter for many years. Bishop Orleton had consented to consecrate a cemetery for them, but when two canons appeared to protest he suspended the ceremony, inhibited any infringement of the privileges of the cathedral church, and at last consecrated the ground for the very poor and children only.⁶ Nearly thirty years later Bishop Trillek issued an interdict forbidding all burials in the cemetery of Allensmore,

¹ Capes, pp. 127, 180.

² Swinf., *Reg.*, p. 484.

³ Spoff., *Reg.*, p. 60.

⁴ Tref., *Reg.*, p. 51.

⁵ This carried with it fees and offerings, legacies, provisions for obits, trentals, etc.

⁶ Orl., *Reg.*, p. 66.

since wealthy persons had been buried there contrary to the admitted rights of the chapter.¹ An appeal to the Court of Arches naturally followed,² and it was at length agreed that the parishioners should all be buried in their own cemetery, but that the *mortuaria et oblationes* should go to the cathedral church.³ Similar disputes occurred with the parishioners of Holmer⁴ and of Credenhill⁵ and with the vicar of St. Peter's in the city. This last case was taken to Rome and dragged on for twenty years.⁶

There were abuses also in the dean's peculiar, where the sub-dean (not a member of the chapter, but an official of the peculiar) made a practice of harassing wealthy incumbents by trumped-up charges,⁷ while flagrant cases of immorality went unreproved—open adulterers were not proceeded against,⁸ and even when the bishop sternly required action to be taken the cases were very feebly dealt with.⁹

As in earlier days, there was constant need to defend against the laity the rights and liberties of the chapter.¹⁰ Registers, title-deeds, and other diocesan documents, with numberless private charters, as well as the deeds of the chapter, were stored for safety in the cathedral archives (where thousands still exist).¹¹ And, for various reasons, some of these were often stolen.

¹ Trill., *Reg.*, p. 105.

² *Ibid.*, pp. 120, 124.

³ Tref., *Reg.*, p. 129. That this agreement should have been copied into the Trefnant register fifty years later suggests that trouble had again arisen at Allensmore.

⁴ Swinf., *Reg.*, p. 16.

⁵ Capes, p. 246.

⁶ *Ibid.*, p. xxxi. Similar disputes occurred elsewhere, one at Worcester being referred to in our Mascall register, p. 108. It was only in 1790 that the Hereford chapter, since the churchyard and lady arbour (= Our Lady's Herbarium, the cloister garth) were "greatly crowded with bodies," decided that none must be buried in the precincts except such as died there.

⁷ See p. 64.

⁸ Beauch., *Reg.*, p. 8.

⁹ Mylling, *Reg.*, p. 34.

¹⁰ Trill., *Reg.*, p. 223; Gilb., *Reg.*, pp. 7, 12, 25.

¹¹ See, for the titles of some of them, Cant., *Reg.*, pp. 40-1.

Excommunication was pronounced against such thefts,¹ and usually secured speedy restitution.² But by the middle of the fifteenth century this chiefest weapon of the bishop and chapter was fast losing its effect, as is shown by the rapid increase, in the registers, of letters *Significavit*; and the encroachments upon the close became more frequent.³ At this time, too, the prevailing immorality spread even to the members of the chapter itself. A canon, who was afterwards dean, has to purge himself for some offence discreetly left without mention; the secular arm is invoked against another; and the precentor is pardoned for house-breaking. By the end of the century preferment to prebends seems always to have involved quarrelling and simony, due often to several persons claiming to have been papally provided to the same prebend. Two of the canons created a scandal, calling for the bishop's interference, by exchanging *contumeliosa verba* in the choir itself,⁴ and next year the bishop writes strongly to the dean *de et super incontinentia et impudicitia quorundem fratrum vestrum, qui non verecundantur mulieres tanquam concubinas publice tenere*.⁵

¹ Cant., *Reg.*, p. 133; Spof., *Reg.*, p. 114; Masc., *Reg.*, p. 32; *et alibi*. The bishops seem often to have been remiss in the care of their registers. That the Orleton register was carried off by the king's servants (Trill., *Reg.*, p. 91) can be understood; nor is it certain how it was recovered. But Bishop Bothe, in the sixteenth century, has left a note that he found the records of the bishops, from Le Breton to Mascall, in loose sheets, that he reduced them to order and added neat bindings.—Gilb., *Reg.*, p. 127.

² The power of this weapon in the hands of the chapter was immense. In a case of violating the sanctuary of the cathedral church, the fugitive was restored and the wrongdoers absolved within three days.—Polt., *Reg.*, pp. 9–11. Another case, however, in which the mayor and his servants forced their way into the sub-treasurer's room and carried off certain of the contents, had to be taken to the archbishop before restitution was made and absolution sought.—Masc., *Reg.*, p. 96 sq.

³ E.g. Spof., *Reg.*, p. 62; Stan., *Reg.*, p. 94; Myll., *Reg.*, p. 143.

⁴ Mayew, *Reg.*, p. 112.

⁵ *Ibid.*, p. 141.

A constant grievance of the bishop against the chapter was, for centuries, their persistent claim to be exempt from episcopal visitation. Two popes were said to have granted this exemption—though no trace of such privilege can now be found in the archives. But two other popes had empowered individual bishops—Orleton and Spofford—to insist upon their rights and disregard the supposed exemption. Yet neither of these bishops actually attempted a visitation. In fact, no real visitation of the chapter was carried through until after the Restoration.¹

Continuously through the fourteenth and fifteenth centuries the bishopric and most of the canonries of Hereford were reserved to the pope—the deanery only once, under peculiar conditions explained below.² To the chapter, therefore, was left the election of the dean; and at every vacancy of the office the details of the election fill many pages of the register. Occasionally the canons made their choice *subito et repente, spiritus sancti gratia, ut creditur, inspirati, nullo alio tractatu interveniente*.³ But more usually they proceeded *per viam et formam scrutinii*, appointing three scrutineers, and giving each their vote in writing, with adjectival reasons for their choice.⁴

Two incidents in connexion with the election of the dean are worth noting. Towards the close of the fourteenth century William Bermingham, the dean, who was passing into second childhood, was induced by one of the canons, John de Middleton, to agree to an exchange between them of the decanal office and a parish in Lincolnshire. Sanction to this exchange was fraudulently obtained from Rome. The old dean died,

¹ See Appendix S.

² See Appendix T.

³ Mayew, *Reg.*, p. 159.

⁴ *Virum providum, discretum, hospitalem, etc.* It is worth noting that in 1529 one canon, voting for Gamaliel Clyftone, adds, *serenissimo regi nostro praecharum et praedilectum, eaque ratione jura dictae ecclesiae defendere magis habilem*.—Bothe, *Reg.*, p. 219.

and John de Middleton claimed to succeed, the canons not venturing to elect. But the bishop, having waited until the legal period had passed, decided that the appointment fell to him by lapse, and collated John Harold to the deanery. The validity of this episcopal action being questioned, appeal was made to the pope, who provided John Harold to the office—the only instance of provision to the deanery of Hereford, though three Italians were provided to the deanery of York in this century.

Our deanery was always in need of a more adequate endowment ; and Bishop Gilbert, with the consent of king and pope, annexed to it the prebend of Bullinghope, in John Harold's interests. But a few years later Trefnant, on succeeding to the bishopric, cancelled this arrangement, and collated an archdeacon to the prebend. Appeal was made to Rome and the bishop won his case. The details fill many folios of Trefnant's register.¹

The other incident worth noting was an election in 1462, carried out in a manner so irregular as to call for intervention by the bishop. The canons had decided to proceed with the election *per viam et formam scrutinii*, and James Goldwell obtained a majority of votes. But when one of the scrutineers was about to proclaim him dean, he was *horribiliter impeditus per impressionem potentiae laicalis* ; and John ap Richard was led to the high altar and proclaimed dean, *nondum aliter quovismodo electus*. This being proved, the bishop

¹ pp. 58–100. If the dean had no prebend, he had no right to take part in the business of the chapter. In 1593, when the six residentiaries had established a monopoly, a new dean produced his hundred marks (the fine for coming into residence), but was compelled to wait until there was a vacancy among the six. This anomaly was removed by a clause in the Caroline statutes which provided that the dean should be *ex officio* a residentiary. He took his turn with the rest as hebdomadary ; but when the chapter proposed that he should also take his turn as *claviger*, and be responsible for the safe custody of the chest, he appealed to the bishop, and the proposal was disallowed.

declared the election invalid, and collated Richard Pede to the office.¹

How Thomas Wolsey became dean of Hereford is uncertain, since there is no record of his appointment,² but it must have been early in 1512. It is characteristic of the times, and perhaps also of the man, that after holding the deanery for a few months he should resign it *sub spe pensionis*, and obtain the very substantial award of £45 a year for three years, and then £40 for life.³

It remains to say something of the fabric during these two centuries. Writers who deal with the structural changes in our cathedral churches commonly connect each of the chief epochs with the name of a contemporary bishop, who is regarded as founder, rebuilders, or enlarger of the fabric. As regards the early centuries, there is probably good reason for this practice. The bishops had, at first, complete control of all the central funds of the diocese; they were comparatively wealthy, and all power over the fabric rested with them, until the independent authority of the dean and chapter was fully organized. At Hereford Peter de Aquablanca was the last bishop who may be said, in any sense, to have built or rebuilt part of the church. The north transept is emphatically his work. The dean was his own nephew, the chancellor and other dignitaries his relatives. Between them they could compel—as in fact they did—the reluctant

¹ Stan., *Reg.*, 71-83.

² It is unfortunate that the earliest of our act books still existing opens only with an entry dated July 16, 1512. On fol. 2b (the date is torn off) is the *Intimatio resignationis*; but the details of the appointment, installation, etc., were in an earlier book now lost.

³ Mayew, *Reg.*, pp. 148, 162. The deanery was valued at about £90. Wolsey was then forty-one, and died in his sixtieth year. It is commonly stated that he resigned the deanery of Hereford "on his appointment to that of York." But Dean Harrington of York did not die until some weeks after Wolsey's resignation of Hereford, which was on December 3; and the new appointment to York was not made until the following February.

anti-Burgundian canons to contribute to the building.¹ But it is quite otherwise with nearly all the work that was done afterwards. In the very considerable building operations that were carried on while Swinfield held the see, he co-operated with the chapter, but the work was done in their name and was paid for by them ; as is shown in a fabric account of 1291, drawn up by an official of the chapter, submitted to it for audit, and dealing with funds mainly supplied by pilgrims to the tomb of St. Thomas.² Throughout the following century we have various contracts made with masons and carpenters, but always in the name of the dean and chapter.

Though the repairs and rebuilding consequent upon the failure of the foundations of the church were not completed until about 1330, yet long before this fresh work had been designed. Bishop Swinfield, though a poor man, left in his will money *pro fenestris vitreis in domo capitulari noviter construenda*.³ Though thus projected in 1317, the chapter-house was probably not begun until about 1360. For in 1359 a master mason is engaged, and in 1364 another mason binds himself to "continue and finish within seven years" *opus novae domus capitularis*.⁴ Some time after this there is a contract for the building of the cloister near the chapter-house. One side of the cloister is to be finished

¹ Capes, p. 80. After this dispute, it became the practice in the chapter accounts for the fabric fund (*opus ecclesiae*) to take an equal share with each of the residentiaries in the greater commons.—*Ibid.*, p. 138.

² *Ibid.*, pp. 163-5.

³ *Ibid.*, p. 220. This legacy enables us to date within a year the sinking of the foundations under the weight of the new work. For Swinfield, dying in March 1317, would not have been thinking of "a new chapter-house to be built," if the threat of ruin was already upon them. And the appeal to the pope, occasioned by the subsidence, must have been made in 1319, since the bull assigning the Shinfield tithes to the fabric was issued in January 1320.

⁴ *Ibid.*, pp. 230-1. A receipt exists for his quarter's salary of £11 15s., at the end of his fourth year.—*Ibid.*, p. 232. For some account of the chapter-house, now ruined and gone, see Appendix U.

in two years, and the whole in six years.¹ The contract, unfortunately, is not dated; but we know that the chamber above the west walk of the cloister, fitted up as the library,² was completed before 1394. Yet in 1412 the *edificatio novi claustri* seems to have been proceeding.³ In 1447 a new roof was required for part of the western walk, and for this work offerings were received "at the image of the blessed Mary *pietatis*."

The death of Bishop Trefnant in 1404 occurred when the chapter was faced by the necessity of restoring the south transept, the oldest existing portion of the church. The south wall was entirely rebuilt, a large Perpendicular window nearly filling it; and under the window the tomb of the dead bishop was placed. The vaulting of the transept roof dates probably from some twenty years later, since carved on it are the arms of Bishop Spofford, who spent, as he says himself, "more than 2,800 marks" on the fabric and buildings.⁴

The only other works needing mention are the Stanbury chapel, built by that bishop's executors before 1490⁵; the Audley chapel, of perhaps ten years later; and the so-called Booth porch, designed and begun by Bishop Mayew (the builder of Magdalen tower at Oxford) and completed by Bishop Bothe in 1519.⁶

¹ Capes, p. 232.

² See Appendix V.

³ Capes, p. 269. The extent of the cloister was absolutely fixed by the existence, in the precincts of the palace, of a building of two storeys, forming two chapels, one above the other, in which Bishop Hugh Foliot endowed the chantries of St. Mary Magdalene and St. Katherine. This most interesting Norman building was wilfully destroyed by Bishop Egerton in 1737.

⁴ Mr. Francis Bond considers that this vaulting must be of earlier date than Spofford's episcopate; though why, in that case, the bishop's arms should have been placed there it is difficult to see.

⁵ See Stan., *Reg.*, pp. v, xi.

⁶ See Bothe, *Reg.*, pp. vii-viii.

CHAPTER IX

THE REFORMATION AND THE ELIZABETHAN STATUTES

THROUGH the first half of the sixteenth century, while the Reformation was printing so deep a mark upon the life and character of the English people, the old religious system maintained itself in Hereford with remarkable strength and persistency. Neither in the episcopal registers nor in the act books of the chapter is there any reference to the ecclesiastical revolution that was being carried through by the king and his ministers.¹ There is nothing to suggest that either priests or people in the diocese were affected ; everything would seem to have gone on in the old way without interruption. In 1539, *sede vacante*, a heretic who had expressed unorthodox views on the reserved sacrament was imprisoned by the vicar-general (a canon who next year became dean), until he abjured his depravity and did penance.

Bishop Bothe (who died in 1535) inserted in his will a profession of the Catholic and Roman faith. The episcopates of Fox and Bonner were too short to leave any mark either way on the diocese. But Skipp, through the last years of Henry VIII and the whole of Edward's reign, stoutly maintained the Catholic cause, in the House of Lords and among the bishops. He opposed the bill for the administration of the sacrament in both kinds, and that for granting chantries

¹ In 1550, an entry of four lines in the Chapter Act Book records the receipt of the royal mandate concerning the deposition of all the altars in the cathedral church. And another entry of only three lines states that there was a discussion in the chapter *de tollendis ymaginibus*.

to the king¹; and spoke strongly against the Act of Uniformity.² It is therefore not to be wondered at that when Scory became bishop of Hereford in 1559³ he found his position difficult. Apart from the great religious issues, his character and antecedents were such as would gain him little sympathy in his new diocese. Originally a Dominican friar, he had become a prominent preacher against Romanism, rising thus to the see of Rochester, and then to Chichester. Under Mary he recanted, renounced his wife, and "with tears and groans" applied to Bonner for absolution; but hurried soon afterwards across the sea, and wrote from his safe retreat to encourage others to the martyrdom from which he himself had shrunk. At the opening of the new reign he returned, and was sent, not back to Chichester, but to Hereford, where there was more need of a vigorous reformer.

Naturally, at Hereford, Scory was not warmly welcomed, either in the close or by the city and county. Of the residentiary canons all but one were devoted to the ancient faith—"dissemblers and rank Papists," he called them—and so were all the vicars choral; even the deacons and sextons "are mortal enemies to this religion." "The canons will neither preach, read homilies, nor minister the Holy Communion, nor do any other thing to commend, beautify, or set forward this religion, but mutter against it, receive and maintain its enemies." "Upon Thursday last" (the

¹ See Appendix W.

² A. F. Pollard, *England under the Protector Somerset*, pp. 68, 99.

³ Before the queen confirmed his appointment, he was compelled to agree to a most inequitable exchange with her, giving up seventeen manors of the see, and taking in return certain inappropriate parsonages of the late monasteries, together with the tenths which had been annexed to the Crown. It was pretended by the queen that this arrangement would leave the bishop free from the secular cares connected with the management of his estate; but in reality he had exchanged good lands for decayed chancels, ruinous houses often overburdened with the pensions of vicars, and for tenths which could only with difficulty be collected from reluctant clerical holders. See Dixon, *Hist.*, V. p. 188.

Vigil of the Assumption) "there was not one butcher in Hereford that durst open his shop to sell a piece of flesh, and the next day there was not one in the whole city, Gospeller nor other, that durst be known to work in his occupation or open his shop to sell anything, so duly and precisely was that abrogate fast and holiday kept."¹ "Priests and such like enemies of the truth, driven out of other places, find a safe asylum here, with the connivance of the local justices, and are maintained and feasted as if they were God's angels." "Of the whole Council of Hereford there is not one that is counted favourable to this religion."

At the Royal Visitation in the summer of 1561 the dean, Edmund Daniel, refused the oath, and was deprived; so also was the precentor, William Chell, and five of the canons, including a son of the Marian Bishop Parfew. Next year Scory proposed to hold a formal visitation of the chapter, but was summarily informed that he had no constitutional right to do so. He carried on the dispute for nearly two years,² his pride being sorely hurt—or possibly he grieved at his powerlessness as a reformer. At any rate a letter which he wrote to Cecil at this time is full of cursing and bitterness against his stiff-necked canons. "The disorder of the cathedral church of my bishoprick is such that it may be justly accompted a verie nursery of blasphemy, whoredom, pryde, superstition and ignorance, and yet no power in me to reforme yt, the same being exempt of my jurisdictyon, contrary to the usage in all other like churches, to Godes high displeasure and my great grieve and hartye sorrow." In justice to the bishop it should be said that, extravagant as this language is, there are some unpleasant pages in the chapter act book during his episcopate.³

¹ State Papers, *Dom. Eliz.*, XIX, 24.

² See Appendix S.

³ E.g. a resolution of the chapter that "every canon, pety-canon or vicar goeing into the towne shall take his servante, his scholer, his fellowe, or some other honest person wyth him, and weare

The estrangement which had begun was soon afterwards increased. In 1565 the bishop decided to live permanently at his palace, which none of his predecessors had done. But finding it, after a short trial, to be "uncommodious and unwholesome," he proposed to pull down part and rearrange the rest; and requested the sanction of the chapter, "whereas you have before this wished and desired to have me remayne in Hereford for a good part of the yere." The chapter, however, did not find the prospect of his continuous residence so welcome as he professed to believe; and replied that they could not decide "in so weyghtie a matter" without the presence of all the prebendaries, which they could not get. After further correspondence the bishop was compelled to abandon the project, though he had, as he angrily says, "bespoken my carpynder and mason, and prepared tymbor and other necessities for the buyldinge."

Some years later came another disagreement and more angry letters. Certain charges, as to which no details are given, were brought against one of the prebendaries. The bishop issued a monition, and sent it with instructions that it should be affixed to the prebendary's stall in the choir. The dean and chapter declined to act on these instructions, because, by statute and by custom, an offending canon was answerable *decano et non alteri*. The bishop then wrote at great length and very bitterly, accusing them of contumelious disregard of his episcopal office.

When relations were so strained, mischief-makers were sure to make matters worse, and of this we have an indication, for a vicar choral was deprived of his office on the ostensible ground of inefficiency. But when he made a formal protest, a later entry in the

decent apparell, and shall to their utter most avoyde all suspicious howses and often frequenteynge of ale-houses and taverns." An entry concerning the "correction" or "deprivation" of a vicar choral occurs every two or three pages about this time.

act book of the chapter remarks that he was "a factious intriguer and sower of discord between them and their reverend father in Christ."

Since he devoted so much of his time to harassing the adherents of the old faith, with the assistance of the Crown, it is not strange that Scory found himself "in purgatory at Hereford,"¹ and repeatedly besought Cecil and the Privy Council to "have pitie on his graie head" and find him preferment elsewhere. His constant complaints did not secure him the see of Norwich, as he had hoped; but they brought about the appointment, in 1582, of a Commission to hold a special visitation on the spot, with power to inquire into constitutional questions and to deal with matters of finance.² The Commissioners drew up in Latin a code of Statutes, which were published, under the authority of the Queen, on April 11, 1583.

Though these Statutes have never been printed, they are too long to be given *verbatim* here. The following is a careful summary of their provisions:—

I. Qualifications of Prebendaries and Canons.—No one except in deacon's orders at least shall be admitted prebendary, nor except of the degree of M.A. to receive the *diaria* or petty commons. Before admission, he shall pay 40s. to the library, and give security for

¹ Yet he had amassed an ample fortune out of Hereford—and not by the most scrupulous means. He was articted in the Star Chamber for simony and extortion; he was threatened with deprivation for making havoc of the timber on the episcopal estates; he made a worthless son a prebendary of the cathedral church; and he gave to his wife three prebendal portions of Bromyard—which perhaps explains his complaint to Cecil that in the town of Bromyard he "dare not without a great guard move out of his lodgings."

² This Commission was suggested in a letter of May 10, 1582, by Aubrey, vicar-general of the province of Canterbury, who, stating that the chapter of Hereford had "always pretended to be exempt as well from the archbishop as from their own bishops," proposed "a commission immediate from the Queen's Majesty, whose authority only they do admit for visitation." One of the three commissioners (the other two being laymen) was John Whitgift, bishop of Worcester, who next year became archbishop of Canterbury.—Strype, *Whitgift*, I. 213.

repairs to the canonical house ; he must procure to be preached the sermons appointed by these Statutes. He must not be admitted to the greater residence until he is a priest, a Master of Arts, a learned and diligent preacher, and, in the common estimation of men, possessed of £40 a year. If there are several candidates for the greater residence,¹ he is to be preferred, after the dean and bishop's prebendary, who is senior in age or excellence, or in his degree. No one may be admitted to the greater residence if he is a residentiary in any other cathedral or collegiate church ; nor until he has first preached four sermons, each one hour long, and delivered, in Latin, four lectures in the chapter-house.

II. Concerning Personal Behaviour.—If any member of the chapter be convicted of any great offence, he is to be banished and displaced without hope of return. Canons or prebendaries not having canonical houses are to be provided with rooms in the College, to avoid the discredit of lodging in inns. All ministers of the church, when they go in public, are to be clothed in the habits prescribed by the canons of the Church of England ; and they are to avoid houses of evil report.

III. Concerning the Public Office.—The charge of making feasts for forty days imposed on canons admitted to the greater residence is disallowed.² But instead, the new residentiary shall pay five pounds to the poor of St. Ethelbert's hospital ; and in lieu of 100 marks hitherto given he is to pay £40 to the use of the residentiaries and £5 to the fabric. The residentiaries henceforth are to be six, and each must be in continual residence for six full months in each year (except the bishop's prebendary, who kept only four months) and three were to be always in the city.

¹ It is throughout these Statutes assumed that residentiaries will be selected only from the prebendaries.

² This had already in 1566 been protested against by Archbishop Parker, at the suggestion of Bishop Scory.—*Act Book.*

IV. Touching Jurisdiction.—The dean and some of the chapter every year are to visit the college of vicars choral, and the hospitals of St. Katherine and St. Ethelbert. The dean or hebdomadary must curb the behaviour of the sub-canons, at whose third offence they are to be dismissed.

V. Concerning the Library.—One of the residentiaries is to be custos of the library, with the duty of keeping the building in good repair, and the books chained and well bound. Every year the dean and two canons are carefully to examine the books.

VI. Concerning the School.—The school shall be maintained, as in the past, within the precincts of the cathedral church, governed by the dean and chapter. The headmaster shall have £20 a year, the usher (*hypodidascalus*) £10, towards which payments the distributions on certain festivals, and of St. Milburga's loaves called *simnells*,¹ with the pence anciently called *mass-pence*, shall be given; anything needed more to be paid out of the common fund of the chapter.

VII. Concerning certain pious exercises.—Holy Communion (*sacra synaxis*) is to be celebrated on the first Lord's Day of every month, and all ministers of the cathedral church shall partake, or be deprived of their salary and allowances. Each residentiary is to be a celebrant once in the year at least, and twice to say prayers in the church. All the ministers and members of the church shall daily attend morning and evening prayer, and at prayers in the choir always in their robes.

There shall be twelve vicars choral, four sub-canons (of whom one shall be organist), and seven choristers. Vicars choral shall be on probation for a year. The treasurer shall supply lights for the use of the church, at his own expense.

VIII. Concerning Preaching.—On every Lord's Day, and on certain (named) festivals, a sermon

¹ *Dianomae panum Milburgae vocatorum simnelles.*

shall be delivered for the space of an hour or thereabouts, the prebendaries to preach in succession, beginning on the Sunday next after the feast of the Annunciation. The prebendary who fails to preach in his turn is to be fined 40s. The dean and residentiaries are to take care that two sermons each year at least are preached in every parish church appropriated to the chapter.

IX. Concerning the Sacred Lecture.—The old custom of a sacred lecture out of the books of the Bible shall be revived, a lecture lasting one hour to be delivered on each Wednesday and Friday of ten weeks in any three months of the year. The holder of the bishop's prebend, who once was called the penitentiary, shall be the *praelector*, but not unless he has been made a Master of Arts, or Bachelor of Law, having duly performed his exercises in one of our two native universities.¹ If he has not a canonical house, the house behind the hall of the vicars choral is to be assigned to him. The canons, prebendaries, and ministers must frequent these *praelections*, under penalty of losing their allowances for each day on which they have been absent.

X. Concerning the Immobilia of the Church.—A Survey of the common property of the chapter is to be made every year in the two weeks before the Annunciation, and a more complete survey every seven years. Each canon is to spend the sixth part of his official income on repairs, so long as it shall be necessary. Leases, presentations to benefices, and the like must be signed with the chapter seal only at the midsummer chapter, at the audit in November, or on March 24. Vicars of impropriate churches shall have the preference if they are willing to take leases of the rectory farms. No timber shall be felled on the lands of the church

¹ *Justis exercitiis in altera nostrate academia exantlatis.* The word *nostrate* is possibly inserted to secure that the *praelector* shall not be tainted with either Roman or Genevan doctrine.

except by written authority of the chapter. Each copy of the Statutes shall have at the end a table of the usual salaries, pensions, fees, and rewards.¹

XI. Concerning the Movable Goods of the Church.—A list of all the *mobilia* of the church shall be made before the next audit, and revised every four years.

XII. Concerning the Observing of the Statutes.—The dean and all other persons belonging to the church are to be bound by an oath to observe these Statutes, to which the dean and three residentiaries may, with the consent of the general chapter, make additions. A short synopsis of the Statutes is to be delivered to the vicars choral, and by them publicly set up in the college. The ancient *Consuetudines* are to be observed, provided they be not contrary to the Word of God, or to the laws of England, or to our Injunctions, or lastly to these Statutes.

XIII. Concerning the Interpretation of the Statutes.—If any doubt arise as to the true sense of any of these Statutes, let it be resolved and explained by the votes of the general chapter, yet so that neither violence be offered to the letter of the law nor injury to its spirit.² If it cannot be so decided, or if the matter be such as to touch the dean or one of the residentiaries, then it shall be referred to the bishops of Hereford and Worcester and the dean of Worcester, and if any two of these agree, let it be always so.³

¹ This table, so far as is known, was not made until 1636, after the Caroline revision of the Statutes.

² Ut nec vis τῶ πῆρῶ inferatur, nec δίαβολοῦ legis fraus fiat.

³ In separate schedules, the commissioners issued also various provisions dealing with the college of vicars choral, and with the hospital of St. Ethelbert. The Ledbury hospital is not provided for.

CHAPTER X

THE CAROLINE STATUTES AND THE CIVIL WAR

Two years after the issue of the Statutes, Bishop Scory died. Westphaling, his successor, won respect through his incorruptible integrity, and was on better terms than Scory had been with both chapter and diocese, though his efforts to reclaim them from "popery" were equally fruitless.¹

It would seem that the chapter made a real effort to put in force the new Statutes. For ten or twelve years after their issuing, the document was officially read through from time to time in full chapter, though it is not said that any discussion was raised.² In 1604 a question of admitting the penitentiary to the greater commons without the usual exercise was referred to the bishops of Hereford and Worcester and the dean of Worcester, as interpreters of the Statutes. They decided that he must become a residentiary in the usual way.

On Westphaling's death in 1602 an influential petition was sent up from the diocese, urging that the dean, Charles Langford, should be appointed to the see. The preferment, however, was given to Robert Bennet, a weaker Scory, who found the cathedral church and diocese "pestered with recusantes," who "persist in bold contempt of all courses I can use." The next bishop, Francis Godwin, being "much

¹ In 1598 he unsuccessfully attempted to visit the cathedral church—for which see Appendix S.

² The *Act Book* merely reports, quite frequently, *Istis die et loco perlecta fuerunt statuta nova*.

discouraged " at " the scarcity of preaching ministers " to stem the tide of Romanism, retired to his manor of Whitbourne, and devoted himself to literary work, leaving the administration of the diocese largely in the hands of the dean and chapter.

With the short episcopates of Lindsell and Wren (1634-5) the constitutional struggle between bishop and chapter again became acute.¹ And, at the suggestion of Archbishop Laud, Wren carried through a revision of the Elizabethan Statutes, though he had been translated to Norwich before it was completed. The Statutes thus revised were signed by Laud and issued under royal authority on May 31, 1636. This Laudian code follows the Elizabethan Statutes chapter by chapter, and, for the most part, paragraph by paragraph. As might be expected, however, in the work of William Laud and Matthew Wren, it is much nearer to the mediæval spirit of the *Consuetudines* (often even reproducing their actual language) than were the Statutes of Whitgift.

This Laudian revision, which is still the received code of the chapter of Hereford, was in 1882 privately printed, with an English translation, at the expense of the dean and chapter; but very few copies now survive. The chief additions to or modifications of the chapters in Whitgift's code are the following:—

I. The provisions of the *Consuetudines*, (a) that the bishop collates to a vacant prebend and (b) that no installation must be *clandestina*, are verbally reproduced, together with the detailed directions as to the form of installation and the investiture *per textum et panem*.

III. The term of continual residence required from the residentiaries is reduced from six months to "thirteen full weeks and no more." And two instead of three canons are now required to be always resident. Also there is a new provision that "if all the other

¹ See Appendix S.

residentiaries do agree, and the dean alone do disagree, in that case his dissent shall signify nothing." But if there be a division of votes in the choice of the *praelector*, the decision shall rest with the bishop.

IV. During the vacancy of the deanery jurisdiction shall belong to one of the residentiaries chosen by the chapter. The sub-canon is all to study the New Testament in English and Latin, and are to receive the Holy Communion at least four times a year.

VI. The headmaster of the school is to have a house at a nominal rent, and must teach the catechism to his scholars.

VII. No celebration of divine offices is to take place unless the celebrant, epistler, and gospeller be vested in copes, *quam primum eadem in ecclesia parabuntur*. Every member of the church is to be dressed in a clean surplice, and the hood of his degree, in the choir. No part of the daily service is to be on any account curtailed. At the holy name of Jesus everyone shall bow ; and everyone, entering or moving in the choir, shall make humble obeisance towards the altar, *sicut antiquissimis hujus ecclesiae statutis cautum fuit*, and then turning shall pay due reverence to the dean. The choristers are to behave reverently and modestly, and are to be instructed in grammar, or in writing and arithmetic, or in the practice of the lyre or cythera, or in some other liberal employment. When the bishop is present, two wax candles are to be lighted at his throne.

VIII. If any preacher put forward anything which seems not agreeable to the Word of God, the Articles of Religion, or the English Liturgy, the dean and residentiaries shall at once report the matter to the bishop by letter. Absence of a residentiary for three days, to preach in a church appropriated to the chapter, shall count as residence.

IX. The lecture is henceforth to be on every Tuesday throughout the year. The *praelector*, at

suitable times every year, is to treat concerning the king's supremacy, *non quidem disputans, sed asserens*.

X. Certain new provisions were added as to leases, grants of reversions, and the like.

XII. The exact terms of the oath to observe the statutes, detailed in 1583, are omitted in 1636.

XIII. The interpretation of doubtful points in the Statutes is henceforth to be placed in the hands of the bishop of Hereford alone, *quem ecclesiae hujus Visitatorem et judicem ordinarium esse decernimus*. But an appeal shall lie from him to the archbishop of Canterbury.

Between the issue of the Statutes in 1636 and the Restoration in 1660 there are no entries in the *Act Book*. It is probable that for some years, at any rate, the chapter meetings were regularly held, and that the notes of the business transacted have been lost. In 1641 a bill was introduced into the Upper House of Parliament for the "regulating" of archbishops, bishops, deans and chapters, canons and prebends, and for the "better ordering" of their revenues. The House of Commons at the same time was debating the Root-and-Branch Bill, for their "utter abolishing and taking away." Neither bill got beyond the committee stage, and the fright occasioned by the king's journey to Scotland drove the matter into the background. While these debates were proceeding, a petition came in from Herefordshire in favour of episcopacy and the retention of cathedral establishments, which are "the monuments of our forefathers' charity, the reward of present literature, and the furtherance of pietie."¹ And next year (July 1642) there followed from the county a remonstrance which caused a transport of indignation in the Commons, being styled, in their resolution, "a most scandalous and infamous paper."²

¹ Webb, *Civil War in Herefordshire*, II. 337.

² Webb, I. 85, II. 343.

Soon after the war began Essex despatched the earl of Stamford to occupy Hereford for the Parliament. Getting possession of the city in early October by a trick, Stamford took up his quarters in the bishop's palace; and the proceedings of his men are best described in the words of one of them, Nehemiah Wharton. He was a London apprentice, sent by his "master and honoured friend," as were hundreds of others, with a pocketful of money and a scriptural blessing, "to live and die with the earl of Essex." He was soon promoted to be sergeant in his regiment, and from Hereford, on October 7, 1642, he writes to his master as follows: ¹ "Sabbath day, about the time of morninge prayer, we went to the Minster, when the pipes played and the puppets sang so sweetely that some of our soldiers could not forbear dauncinge in the holie quire; whereat the Baalists were sore displeased. The anthem ended, they fell to prayer, and prayed devoutly for the kinge, the bisshops, etc., and one of our soldiers, with a loud voice, said, 'What! neiver a bit for the Parliament?' which offended them much more. Not satisfied with this humane service, we went to the divine; and passing by, found shops open and men at wirke, to whom we gave some plaine exhortations; and went to hear Mr. Sedgwick, who gave us two famous sermons, which much affected the poore inhabitants, who wonderinge said they neiver heard the like before, and I beleeve them. The Lord move your harts to commiserate the distressers, and to send them faithfull and painfull ministers; for the revenues of the Collidge will maintain many of them."

After holding the city for ten weeks Stamford was compelled to abandon it on December 14. In the following April, however, it was occupied by Waller, on the condition that "the bishop, dean and chapter

¹ For the interesting letters of Sergeant Wharton see *Archæologia*, Vol. XXXV.

shall be freed in their persons from violence and in their goods from plunder.”¹ But within a month Waller also left, and the town, strengthened in its defences, and garrisoned by the Royalists, successfully resisted the attack of the Scotch army in the summer of 1645, though the chapter-house had to be stripped of its lead by the defenders, to make bullets. But the *invicta civitas*, as it was proudly styled after this success, was ignominiously captured in the December following by Colonel Birch, who, as Stamford had done, quartered himself in the palace.

During the royalist occupation the dean had died, and Herbert Croft had been appointed in his place. He, when the city was captured by the Parliamentarians, ran considerable risk by his outspoken denunciations of them and their ways. “For soon after the taking of Hereford this excellent Doctor, preaching at the cathedral there, inveighed boldly and sharply against sacrilege; at which some of the officers then present (so little doth a guilty conscience need an accuser) began to mutter among themselves, and a guard of musqueteers in the church were preparing their pieces, and asked whether they should fire at him; but Colonel Birch the governor prevented them.”² Croft was, however, ejected from his house, as were also the canons from theirs. The other buildings in the close were seized: the college was assigned to “the homeless poor”; the library was plundered, and memorials in the cathedral church “deprived of their brasses by sacrilegious hands.”³

Early in 1646 an ordinance was passed “for the setting and maintaining of able preachers and godly orthodox ministers in the city and county of Hereford.” Three of these, with an annual stipend of £150 and

¹ Webb, I. 258.

² Walker, *Sufferings*, II. 34.

³ Rawlinson, p. 137, gives a list of 170 brasses stolen from monuments in the church.

lodgings in the deanery, were to preach regularly in the cathedral pulpit, displacing the prebendaries, who under the Statutes had their appointed Sunday turns. In April 1649 the Act was passed abolishing deans and chapters, and ordering the sale of their lands. The prices seem very low, perhaps because the security was considered to be doubtful. The estates of the deanery were sold for £1,071 2s. 8d., and the college with its cloisters for £220. Colonel Birch made a large profit out of his purchase of bishops' manors.

Meanwhile the members of the cathedral body were in evil plight. The bishop, George Coke, "a meek, grave, and quiet man, much beloved," who had been sent to the Tower in 1641, was again imprisoned on the capture of the city; and being deprived not only of his official property but also of his private estate at Eardisley, he was left dependent on his family until he died in December 1646. (After his death the bishopric was vacant for fourteen years.) The dean, too, was deprived of all he had, and would have been reduced to abject poverty had not the family estates devolved on him by the death of his brother, Sir William Croft. (At the Restoration he re-entered into possession of his deanery, but almost at once was nominated to the bishopric of Hereford, which had just been refused by Richard Baxter.) Of the prebendaries some were nearly beggared, but others who had benefices elsewhere were able to retain them—if they were not dealt with as "scandalous" or "malignant"!

Of the intruded ministers we know only the accounts of their enemies. One of them, Richard Delamaine, is described as grossly ignorant and immoral, flattering the governor into securing for him three benefices¹ as well as his preachership in the cathedral church. He claimed, as parochial pastor, to interfere in the repairs of the building, that he might obtain the management of the fabric fund; and he altered the assignment of

¹ Aymestrey, Little Hereford, and Longtown.

seats, " painting *Taurus* on the governor's seat, *Gemini* on the benches of the mayor and aldermen, and *Aries* on that of the garrison officers." He died in 1657 and was buried in the cathedral close.

On the accession of Charles II the surviving canons and prebendaries regained their estates, from which the recent purchasers were dispossessed. Their resentment at their hardships and losses under the Commonwealth found strong expression in contemporary epitaphs which still exist in the cathedral precincts, such as that on James Read, the *custos* of the college, which runs as follows :

*In campo pro Monarchico contra perfidos rebelles,
in ecclesia pro Hierarchico regimine contra neotericos
Puritanos,
in utroque contra Inferni satellites
fideliter dimicavit.*

CHAPTER XI

THE SETTLED CENTURIES

AT the Restoration the city and county of Hereford sank into the sleep of centuries which has lasted until our day ; and for at least a hundred years the cathedral and its chapter shared in their slumbers. The details of cathedral history through this time are of trifling importance, yet must be briefly recorded.

In 1661 the dean and the precentor, with nine prebendaries who had survived, were restored to their stalls, and recovered their estates, the recent purchasers being dispossessed. General Monk's brother Nicholas obtained the bishopric, and appointed to the vacant prebends. But dying before the year was out, he had for a successor Herbert Croft, the newly restored dean.

Naturally the chapter found much to do in the repair of the fabric, for which the recovered income from the Shinfield tithes was quite insufficient. But subscriptions came in from the gentry of the county, Lord Scudamore heading the list with £100, and the dean and canons decided to help the fabric from their official income, the dean giving for four years, and each member of the chapter for two, their petty commons.¹

The new bishop in 1668 resolved to hold a visitation of the cathedral and its ministers—though as dean he must have known, and perhaps shared, the resolve of the chapter to resist. Once again, and for the last

¹ The canonical houses, which equally needed attention, were not taken in hand before 1704, when a bill was promoted in Parliament for their rebuilding. Yet little was done until 1710 ; and some were still out of repair in 1714, when certain canons and prebendaries were " admonished to repair the said houses before the next audit."

time, came the familiar protest that such a proceeding would be *praeter et contra laudabiles consuetudines, immunitates, privilegia et exemptiones ab antiquo usitatas*. The bishop's chancellor appeared, under letters of commission, to hold the visitation; but on receiving this protest he withdrew. Four years later George Benson, the bishop's closest friend in the chapter, became dean; and in 1677, on July 5, Croft held at last a visitation, without protest or objection.¹

In 1704 the ancient feud between the chapter and the town again became acute. The city authorities levied on the college a tax for the repair of the Wye bridge; and the chapter, considering this to be an invasion of their "just rights, liberties, and exemptions," decreed to resist the claim "by all lawful ways and methods." While this dispute was pending, there came a still more serious invasion of their rights. A servant of the bishop, accidentally drowned, was buried in the close, under an order of the county coroner. The city authorities, resenting this, came in force, "dug up the corpse there interred," and held a fresh inquest. The chapter appealed to the bishop, and legal proceedings were taken. No record of the result appears to exist, but the "privileges and exemptions" of bishop and chapter remained unaltered, at least in form, until 1838.

The episcopate of Philip Bisse (1713-21) is marked by changes—though not improvements—in the fabric. The bishop, endowed with much liberality but little taste, spent large sums upon the church and palace, for work which can only be described as clumsily inappropriate. The central tower showing signs of weakness, the bishop, under bad advice and at great expense, erected, under the lofty Norman arches of

¹ Bishop Croft and Dean Benson died within a year of one another, in 1691-2, and were buried side by side, their gravestones joined by a band on one clasping a hand on the other, with the words *In vita conjuncti, in morte non divisi*.

each transept, unsightly and useless supports which, says Sir Gilbert Scott, "were most successful in imparting hideousness, but utter failures as regards strength." He then set about "beautifying" the choir. The Norman arcades and the eastern arch were walled up in lath and plaster, and the whole was panelled in oak. The altarpiece was a "Grecian" oak screen, with an oil painting in its centre and, above, a perpendicular window framed in a scenic decoration of painted boards to represent curtains!¹ The chapter, stirred to rivalry by this munificence, decreed that each prebendary should paint his own stall at his own expense!² For rebuilding the palace, the bishop, apparently with the consent of the chapter,³ used the stones of the much-injured but not yet half-destroyed chapter-house, provoking the indignation of Stukeley, who says that he "saw its poor remains" shortly afterwards.⁴ Bishop Egerton carried yet further the work of destruction. For in 1737 he obtained a commission from the archbishop to inspect the fine building, of early Norman date, which contained the two chapels (upper and lower) of St. Mary Magdalene and St. Katherine. The commission (consisting of the dean, two canons, and the bishop's steward) reported that the chapels were "ruinous and useless"—though others contended that "less than £20 would put the building in good

¹ In 1822 this window was filled with painted glass, the subject being the Last Supper, "taken from a beautiful painting of West's," says the *Act Book*.

² These stalls, with their fine canopied work dating from about 1380, were then under the central tower, the organ screen being to the west of the crossing. Taken down by Cottingham in 1841, they were stowed away in the crypt for fifteen years, until Sir Gilbert Scott scraped off the paint and placed them in their present position in the choir.

³ In November 1720 the chapter *decreverunt parietes domus antiquae capitularis jam dudum dilapidatas penitus demoliendas fore*. One is almost glad to think that the good Bishop Bisse died next year.

⁴ Stukeley, *Itin.*, p. 67.

repair." It was, however, in spite of protests from the Society of Antiquaries and others, pulled down, "in order to erect a more polite and neat pile in the present taste."¹

In 1746 the irony of circumstance brought to Hereford, as its bishop, Lord James Beauclerk, whose grandmother (Nell Gwynne) had been born in a cottage actually touching a wall of the palace. His relations with the chapter during a long episcopate² recalled—*si parva licet componere magnis*—those of Bishop Scory. On no single point did they ever agree. In the earlier years of his rule there was a marked coolness on the part of the chapter, but no open war. In 1765, however, at his visitation, the bishop took upon himself to enjoin that, as he interpreted the Statutes, benefices in the patronage of the chapter, if not accepted by canons or prebendaries, should be conferred on vicars choral only; and that these latter, if the parish was within eight miles of the city, need not resign from the college on appointment. The dean and chapter replied that their right of giving benefices in their patronage to whom they would was "a temporal estate vested in them prior to any injunctions or statutes," and that they could not be deprived of this right except by Act of Parliament; that they had, moreover, from time to time presented clerks that were not vicars choral to benefices even within eight miles of the city. They entered in the *Act Book* their opinion that his lordship's interpretation of the Statutes was not a statutable interpretation on a doubtful point after appeal,³ but "a voluntary interpretation and recommendatory advice." Yet they did for more than half a century regularly confer the benefices, eleven in number, within eight miles of the city, upon the vicars choral—with unfortunate results as regards the services in the choir.

¹ *Hereford Journal*, September 1737.

² He died in 1787.

³ See pp. 92, 96.

Bishop Beauclerk had adopted the practice of granting to simple prebendaries canonical houses usually appropriated to residentiaries only. This, of course, the latter resented, and having for years protested in vain, they decided, in 1767, to petition the archbishop as "supreme visitor of this church." The archbishop wrote that he feared the bishop would "dispute his right to take cognizance" of the matter, to which the dean and chapter replied that "surely the case of the chapter was singularly hard if the bishop, who, before the present Statutes were given, had no visitational authority over them, should not likewise be bound by that Statute which gives your Grace a power finally to determine all disputes." Next year the archbishop died, and at once the chapter approached his successor with their petition. But how the matter was settled we are not told.

To the end there was no peace between Beauclerk and his chapter. They quarrelled even over a right-of-way through the palace grounds to the chapter timber-yard. The bishop wrote that "if they sent a civil message, he should not be against letting their carriage pass." They replied that they "would leave to his lordship's choice this alternative—either to deliver up to them the ground that of rights belonged to them, or to suffer the timber carriages to pass unobstructed to their yard." The hebdomadary was instructed personally to deliver this message to the bishop.

Through all the eighteenth century and far into the nineteenth there are in the *Act Books* frequent entries concerning the misconduct of the vicars choral. "Monitions" were constantly issued as to their neglect of duty, and were as constantly disregarded. Summoned by the verger to appear before the chapter, even the *custos* would reply, "before a great number of people, that he had no business with the chapter, and that he could not and would not come." Once,

on a Saturday night, the college sent to the sacristan not to ring the bell for morning prayer next day, since they "had agreed together not to read morning prayers for the future on Sundays and holy-days." Every two or three years a persistent offender was dismissed—a difficult proceeding, since he had been appointed for life. Towards the end of the century the chapter decreed a fine of twenty pence for every absence from service in the choir. Two vicars at once absented themselves, were fined, refused to pay, and were suspended from office. The college appealed to the bishop, and when he decided for the chapter, to the archbishop, who also in the end decided against them. The fines were then paid (two years after the offence), but both the vicars resigned.

The appointment of vicars choral to chapter livings within eight miles of the city afforded new opportunity of wrongdoing. For, says the *Act Book*, "they made their parochial cures a pretence for neglecting their duty in the Quire, and also pretended to justify their absence from their country cures under cover of verbal dispensations of non-residence from the dean." In 1800 "Standing Regulations" were drawn up by which vicars who held cures might be absent at their parishes on Sunday mornings, but were required to attend at evening service (which, however, they rarely did).¹ One understands, from all this, the note which S. S. Wesley (then organist of Hereford Cathedral) printed in the folio edition of his famous anthem "Blessed be the God and Father": "This anthem was written for an occasion (Easter Day) when only Trebles and a single Bass voice were available."

Towards the close of the eighteenth century came the two worst disasters that have befallen the fabric of the cathedral in its thousand years of life—the fall of the western tower, and the decision to call in James

¹ In 1805 a vicar choral, already incumbent of Marden, is allowed to accept a second benefice and to retain his position in the college.

Wyatt as the architect of its rebuilding. The downfall was not entirely unexpected. For as early as 1763 the north-west corner was "supported by some temporary props" until a buttress could be built there; and a few months later the church mason was ordered to "build a wall on the inside of the west end of the church for securing the building." In 1778 a "Memorial of repairs necessary to be done to the west end" was presented to the chapter; and in the next seven years, says the *Act Book*, "a very considerable sum of money was spent in endeavouring to support and preserve the tower." But on Easter Monday, April 17, 1786, it fell, destroying the whole of the west front and part of the nave. Within six weeks a screen was erected at the west end of the nave, and the daily services renewed. The chapter decided, on the ground of expense, to "curtail the nave," and petitioned the bishop for his consent. Lord James Beauclerk, though now old and feeble, retained his dislike of any proposal of the chapter, and refused; upon which they appealed to the archbishop as "supreme visitor." They also approached the bishop as to starting a subscription; but he wrote that he could not sanction it unless the whole of their accounts since he had been bishop were submitted to him. The chapter replied that the opening of a subscription list had been approved by the archbishop, and they "trusted his lordship would cheerfully co-operate." Shortly after this Bishop Beauclerk died, and the appeal for subscriptions was issued.¹ By the end of 1788 nearly £5,000 had been obtained, but far more was needed; and as subscriptions began to fail, the canons obtained parliamentary powers to raise a loan of £4,000 by a mortgage on the chapter estates, to be paid off in a

¹ The dramatic nature of the disaster evidently excited sympathy in other cathedral bodies; for nearly all the bishops and chapters gave £50 each, and some, with the two archbishops, £100. The new bishop of Hereford gave £300, and the dean and chapter £1,000.

term of years out of the incomes of the residentiaries and prebendaries.

Wyatt not only shortened the church by one bay, erecting a new west front on a "neat Gothic pattern," poor, meaningless, and insipid, but he also was allowed to take down the fine Norman triforium and clerestory of the whole nave, substituting for them what Sir Gilbert Scott truly called "a wretched design of his own." The spire was taken off the central tower, and pinnacles added. The work was completed in 1797, but the last cheque (to Wyatt's executors) was not paid until 1817.

It need only be added that in 1841 the state of the fabric again caused anxiety; and, Mr. Cottingham being called in as architect, a general repair was set on foot at a cost of £27,000, Bishop Bisse's "improvements" in the choir being at the same time done away with. In 1857 a further necessary renovation was carried out by Sir Gilbert Scott, who designed and erected the unsuitable metal screen. Wyatt's west front was taken down and replaced by the present structure in 1907-8.

APPENDIX

NOTE A

THE LEGEND OF ST. ETHELBERT

THE murder of Ethelbert by Offa has, says Stubbs, "suggested a topic for the embellishments of legend." I propose to take in their chronological order the various accounts of Ethelbert's murder which have been handed down to us. First comes the *Anglo-Saxon Chronicle*, compiled in part perhaps by King Alfred, and certainly by the circle of learned men whom he gathered to his court. Writing almost exactly a hundred years after the event, what they say, under the year 792, is this: "Offa, king of the Mercians, commanded the head of King Æthelbryht to be struck off; and Osred, who had been king of the Northumbrians, having come home after exile, was seized and slain, on September 14, and his body rests at Tynemouth."¹ Here we are carefully told where Osred was laid to rest, as well as the very day of his death; but the writers evidently knew nothing of the miraculous happenings connected with Ethelbert's twice-repeated burial.

Next Florence of Worcester, about the year 1107 (say three hundred and twenty years after the event), tells shortly how "the most glorious and most holy king" was beheaded by the detestable command of Offa, wickedly persuaded by his wife Cynefrith.²

¹ *A.S. Chron.*, II. 48.

² *Fl. Wigorn.*, sub anno 793. The queen's name here occurs for the first time in history. Duncumb (II. 174), without giving his authority, makes her, in spite of her English name, the daughter of Charlemagne, Offa's junior by many years, whose court was, in fact, the regular place of refuge for all the enemies of Mercia.

A sequence in the Hereford Breviary (II. 174), following the story

Almost contemporary with Florence is William of Malmesbury, who himself visited Hereford in or about 1141. He says that the king and martyr Ethelbert adorns the episcopal see with his relics. Offa, *nullis extantibus causis*, wickedly plotting against the suitor of his daughter, killed him, and annexed his kingdom. "But God declared his sanctity by signs so evident that to-day¹ the episcopal see of Hereford is consecrated in his name. He is therefore a martyr, as is proved not by human reasoning but by divine virtues. Nor ought that to seem *ineptum aut incongruum* which, in the past, upright and devout men have either refrained from denying or confirmed by their authority. To mention only the blessed Dunstan, who was learned as well as saintly, would he have suffered Kenelm or Ethelbert or Wulfstan to be honoured as martyrs, had he not been assured that it was a thing pleasing to the citizens on high? Let, then, mere human opinion submit, where God's favour is shown by miracles."² This passage seems to imply that the Malmesbury writer, visiting Hereford in 1141, found in the cathedral relics said to be of St. Ethelbert, and a "cult" being organised, with the usual cures; but found also that their identity or their efficacy was doubted or denied.³ Now exactly ten years before this visit of William of Malmesbury to Hereford, Robert de Bethune was consecrated its bishop. He apparently found no important relics in the cathedral; for he wrote to Abbot Suger of Saint-Denys, praying him *d'ajouter à ses bienfaits passez quelques reliques de S. Denys pour mettre dans son église cathédrale*.⁴ Failing these, some relics of St. Ethelbert were found, and the most made of

in Brompton's chronicle, suggests that the queen acted towards Ethelbert as Potiphar's wife to Joseph:

Hic reginae detestatur
 Amplexus illicitos:
 Spreta mortem machinatur
 Ob amores vetitos.

¹ i.e. in 1141.

² W. Malmes., *Gest. Pont.*, 305. See also *Gest. Reg.*, I. 84, 262.

³ Had the relics been there in 1055, they would have been destroyed, and Florence declares that this actually happened: *monasterio . . . cum omnibus ornamentis et reliquiis sancti Ethelberti, regis et martyris, aliorumque sanctorum combusto*.

⁴ Michel Félibien, *Hist. de l'Abbaye Royale*, p. 185.

them.¹ But there would seem to have been opposition to the new cult. For the continuator of Florence tells how, in November 1139, the forces of the empress attacked Hereford, and occupied *velut in castellinum munimen monasterium S. Æthelberti regis et martyris*. But an early annotator of the Corpus MS., who often makes most valuable corrections, has written in the margin "*Immo sanctae Dei genitricis*," to whom, in fact, the cathedral church was originally dedicated.² From all this, we can easily understand how, in the following half-century, fostered by ecclesiastical and by local pride, the legend grew and shaped itself.

It is full-grown in the *Life of St. Ethelbert*, written by Giraldus Cambrensis (who died in 1216). This work was still in existence about 1670 and was copied by Sir William Dugdale and sent to the Bollandist editors of the *Acta Sanctorum*, who unfortunately decided to take as their text the later life from the chronicle of Brompton, quoting only, in their notes, a few passages from Giraldus, the rest of whose work is now lost.³ He was himself a canon of Hereford, and warmly attached to the members of the chapter: in a long letter to them he says⁴ that he compiled the life *ad magnorum virorum et auctenticorum instantiam plurimam*; i.e. the bishop, or the dean, or both, knowing that Giraldus was the most popular writer of the age, urged him, in the interests of the new cult of St. Ethelbert, which was to bring both credit and cash to the cathedral church, to put into attractive literary form the ecclesiastical fancies which had connected the martyr's name with Hereford and its neighbourhood. It would seem, from what we possess of the work, that Giraldus shaped the legend very much as we find it in Brompton. At any rate, he is the

¹ Yet in the thirteenth century the relics of the martyr-king were so scarce at Hereford that the gift of a tooth of St. Ethelbert by Philip de Fauconberg (archdeacon of Huntingdon between 1222 and 1227) led to his obit being celebrated (ii Non. Dec.). There is also in one MS. Hereford Missal, of uncertain date, a votive Mass praying for the *discovery* of the relics!

² Thorpe's *Florence*, II. 121. In the *Kalendar of Obits* (v. Id. Mai) is the entry *Dedicatio Ecclesie Sancte Dei Genitricis et Beati Ethelberti*.

³ See *Gir. Camb.* (Rolls Series), III. 407, 430.

⁴ *Op. cit.*, I. 415.

first to locate the king's "palace" *ad vicum in Merciorum regno, qui Villa Australis ab incolis vocabatur*; and he fixes the first burial-place in *ripa fluminis in comitatu Herefordie quod Luggo dicitur*. So we see that it took about four hundred years, and the urgency of a chapter's need for a martyr's story connected with their cathedral church, to locate the spot.¹

Some fifty years after Giraldus comes a *Life of Offa*, attributed to Matthew Paris, who died in 1259.² He was a monk of St. Albans, and Offa was the traditional founder of that great house,³ and must therefore be freed from the guilt of this cold-blooded murder. And so we learn that the queen alone devised the plot and carried it into execution. Offa imprisoned his wife for life, and honourably buried Ethelbert in Lichfield cathedral church (which was conveniently near the "palace" at Tamworth). In later days the exact place of burial came to be forgotten, but being revealed by a light from heaven, the body was found, and "now⁴ adorns with miracles and brightens with virtues the city of Hereford." So ends Matthew Paris's story, giving no reason why the relics should have been transferred from Lichfield to Hereford.

In 1265 there issued from St. Albans the earlier portion of the *Flores Historiarum*, which gives the narrative in much the same form as the *Life of Offa*, and of course for the same

¹ The first mention we have of Sutton (the *Villa Australis* of Giraldus, four miles north of Hereford) is in Domesday, two hundred and ninety years after Offa's death. In size and importance it was not to be compared with the royal manor of Marden; indeed, it took its very name from its position to the south of its great neighbour. Now, if Offa had a palace in these parts (and all the stories insist upon the "palace"), it would certainly have been in royal Marden rather than in Sutton, which, so far as we know, was always in private hands. It is, of course, quite possible that the king did occasionally, on his way to the Welsh wars, or to inspect his dyke, stay a few days at Marden; but his "palace" was at Tamworth, the working centre of his kingdom.

² *Vit. duor. Off.*, 23-5.

³ Stubbs considers the details of Offa's founding St. Albans to be "fabulous; the charters which are assigned to the period are forged, and the journey to Rome is a mere invention."

⁴ The "now" of this passage strengthens the impression, derived from William's "to-day," that the real "cult" of St. Ethelbert at Hereford begins about 1140.

reason.¹ Nearly 150 years later, Richard of Cirencester gives the legend in its fullest form. Rejecting the St. Albans version (which, however, he most certainly had read, since the whole sentence about "adorning with miracles and brightening with virtues the city of Hereford" is repeated word for word), he fixes the guilt on Offa himself, adding the name of the guard who actually cut off the martyr's head, and giving the place of the murder, in words slightly altered from Giraldus, as *vicus qui Villa Australis a populo patriae dicebatur*. He mentions no burial-place, saying only *diu inhoneste tumulatus*.²

There remains only the Bollandist Life,³ which is taken from the compilation known as the Chronicle of Brompton. The story is here given very much as by Giraldus, mentioning *Villa Australis* and "the bank of the Lugg," but adding that the saint appeared to a man named Brithfrid, ordering him to disinter the body and take it *ad locum qui Stratus-waye dicebatur*. He did, however, bury it *in loco qui tunc Anglice Fernlega . . . nostris vero temporibus a comprovincialibus Herefordia nuncupatur*. Some time later a king of the Mercians, named Milfrid, built on the spot *ecclesiam egregiam lapidea structura ad laudem et honorem beati martiris*, raised it to the cathedral dignity, and gave it its first bishop. Now all this is demonstrably false. So far from being called Fernlega in or after 792, it is definitely called Hereford in 760; and there had been a line of West Mercian bishops, gradually adopting Hereford as their see, for perhaps a hundred years. "The story of Milfrid," says Stubbs bluntly, "is of course apocryphal." There is no room for him in the Malmesbury list of the kings of Mercia.

We cannot tell, then, how or when the name of Ethelbert was first connected with Hereford. Professor Haverfield thinks it "not impossible that Giraldus, in mediæval fashion, localized the details of the legend without historical warrant."⁴ But the localization may have been of earlier date. For in Domesday we find a knight holding land in Woolhope, and rendering five shillings *canonicis Sancti Alberti*. And three charters in Kemble (if they are not

¹ *Flor. Hist.* (R.S.), I. 394-402.

³ *Gir. Camb.*, III. 407-30.

² *Spec. Hist.*, I. 280-94.

⁴ *Arch. Survey of Hereford*, 7.

later forgeries, as are many of those in this collection) mention "St. Ethelbert's minster."¹ Of actual cures wrought by the relics we have two stories which contradict one another. The Brompton Life attributes to Asser² the story of Egwin, a great Saxon landowner in Shropshire and Montgomery, called "Shake-head" because of his palsy, who, spending the night *ad sepulchrum sancti regis Ethelberti*, was completely cured, and gave to the church his manor of Lydbury North. Walter Map gives³ a fantastic story of Eadric the Wild who married a beautiful fairy and had by her a son Alnodus. He, being cured of the palsy by St. Ethelbert, gave Lydbury North to the Bishop of Hereford.

The services of St. Ethelbert occupy an important place in the Missal, Breviary, and Hymnal of the Hereford "Use." The 20th of May is observed in his honour; and Henry I granted to the bishop a fair of three days beginning on the feast of St. Ethelbert.⁴

¹ Kemble, *Cod. Dipl.*, IV. 137, 218, 235.

² *Gir. Camb.*, III. 422. Asser nowhere makes any allusion to St. Ethelbert.

³ *De Nug.*, 79-82.

⁴ The fair is to be held *in festo sancti Adelberti Martiris, quod est in sequenti die proxima festo sancti Dunstani episcopi*: a method of determining the date of the fair which suggests that in 1121 St. Dunstan's Day was more widely known and observed than St. Ethelbert's.

NOTE B

THE STRUGGLE OF MONKS AND CANONS IN ENGLAND

"THE difference," says Stubbs, "between a monastery of monks and a minster of secular priests or canons consisted in the fact that the inmates of the former were bound by vows of obedience, poverty, and chastity, but were not necessarily in holy orders: those of the latter were ordinary clergymen, bound by no particular vows, but living together on common estates, serving a common church, and under common local statutes." Fully to understand the long struggle between them for the government of our minsters and cathedral churches, we must go back to the early days of Christianity in Britain. The apostles of England, whether they came from Iona or from Rome, brought with them the monastic system. "Every monastery was a mission station, and every mission station was a monastery." Although, as the people became christianized, a settled clergy gradually developed a parochial system, the monastery continued to be, in common opinion, the typical church settlement. Every great man founded a monastery, and richly endowed it. From Lindisfarne and Melrose in the north to Malmesbury and Glastonbury in the south-west, everywhere monastic communities were established, some living a rigidly ascetic life, some becoming schools of learning and culture. In the middle of the eighth century came a rapid degeneration. Bede, in a letter written in 734, some months before his death, to Egbert, bishop of York (soon to become its first archbishop), paints a dark picture of the state of monastic life; and thirteen years later the Council of Clovesho attempted some reforms. But the dark age of monastic history had already set in, soon followed by the widespread destruction of the monasteries in the Danish wars.

It is now, in the middle of the eighth century, that the character and status of monk and canon begin to be sharply separated in England. In the acts of the council of 747 there is no reference to ecclesiastical communities

other than monastic. But in 787 the Legatine Synod, influenced doubtless by the Rule drawn up at Metz some thirty years earlier, orders bishops to see that canons live canonically and monks according to rule.¹ This is the first use in English history of the word *canonici*, in the sense of canons living in community but without monastic vows; and it is worth noting that it comes in conciliar acts drawn up by foreigners.

When at last the victory at Ethandun (878) freed the land from the cruel ravages of the Danes, monasticism had become practically extinct, the minsters and cathedral churches which had survived the storm being everywhere in the hands of clerks or canons. King Alfred was as genuinely religious as St. Louis himself, but his was a layman's religion. His foundation at Athelney, indeed, was called a monastery, but it might rather have been termed a school or university. For he concerned himself more with learning than with ecclesiastical discipline. And Edward, following his father's example, gave the new minster at Winchester to clerks instead of monks. So it came about that, when Dunstan became abbot of Glastonbury (943), there were no real Benedictines in England.² The new monasticism introduced by Dunstan—not indeed at Glastonbury, since he knew little of the rule before his exile—was aggressive and militant; and he found in King Edgar a powerful supporter. In all the minsters the secular clergy who would not take the vows were rejected, and monks put in their place. *Aut canonicè est vivendum aut ecclesiis exeundum* was Dunstan's motto. Of Cathedral churches Winchester, Sherborne, and (not by such violent means) Worcester became monastic. It was perhaps the influence of Ælfhere, the powerful *ealdorman* of Mercia, that prevented the expulsion of the secular canons from Lichfield and Hereford. For Ælfhere, prob-

¹ *Episcopi diligenti cura provideant quo omnes canonici sui canonicè vivant, et monachi seu monachae regulariter conversentur, tam in cibis quam in vestibus, ut discretio sit inter canonicum et monachum vel secularem.*—*Had. and St.*, III. 450.

² *Per id temporis religio monachici ordinis, quae cum propter Barbarorum frequentes irruptiones tum propter quorundam malignantium turbulentas seditiones dudum in Anglia pene tota obsoleverat, necdum sui vigoris statu reformata claruerat*, says Eadmer, telling how the young Oswald went to seek knowledge of the true discipline at Fleury.

ably then and certainly later, was the leader of the powerful movement, against the monastic revival, which followed Edgar's death (975). In spite of this reaction the monks retained the cathedrals they had¹; and these monastic cathedrals, surviving until the Reformation, were an institution almost peculiar to England.²

With the Danish monarchs, in the early part of the eleventh century, the reaction against the monks was at its strongest. Throughout the country secular colleges were founded instead of monasteries. Between thirty and forty of these (as well as the cathedral churches) were in existence in the time of Edward the Confessor. Of Earl Harold's famous foundation at Waltham we have a detailed account, written by a canon of the house.³ It consisted of a dean and twelve canons, each possessing a prebend, together with forty shillings a year, and an allowance of forty shillings for dress. The dean, and each canon in turn, provided from his prebend, for an assigned number of weeks, the daily rations for all—on a scale which seems to imply that each had a separate household of from six to ten persons. Some at least of the canons were married men.

Such was the condition of things, as between secular and monastic foundations, when the Conquest brought in the new men and the new ways from Rouen and Bayeux. In 1066, of cathedral churches, York, London, Hereford, Selsey,⁴ Wells, Exeter, Rochester,⁵ Lichfield, Dorchester, and Thetford were secular; Winchester, Worcester, and Sherborne were monastic; and at Canterbury and Durham the society was of a mixed or negative character.

¹ Except at Canterbury, where after the martyrdom of Ælfheah (1012) until Lanfranc's reform in 1070, a curious compromise seems to have prevailed, by which the monks did not keep the rule and assumed the titles of secular canons.

² *Per universum fere fidelium orbem pontificales ecclesias clerici tenent et regunt, praeterquam in Anglia sola*, says Giraldus.—*Angl. Sacr.*, II. 352.

³ *De inventione sanctae crucis*, ed. Stubbs.

⁴ Soon transferred to Chichester.

⁵ Rochester became monastic under Bishop Gundulf (1077-1108). While Gundulf, friend of Anselm and his fellow-monk of Bec, was thus displacing secular canons at Rochester, Bishop Walkelin set on foot a movement to turn his church of Winchester, and even with it Canterbury, into secular foundations. The king approved, but Lanfranc defeated the scheme by appealing to Rome.

NOTE C

THE RULE OF ST. CHRODEGANG

IN early times the bishop, for administrative purposes, was not in the position of a monarch, but in that of the president of a council. The bishop and his council were so completely regarded as forming a unity for administrative purposes that the *Statuta ecclesiae antiqua* (sometimes known as the fourth council of Carthage) definitely declares *Irrita erit sententia episcopi nisi clericorum praesentia confirmetur*.¹ Without their assent he could not legally deal with church funds, or administer discipline, or appoint persons to church office. And on the death of a bishop the council administered alone until his successor was elected. Before the final establishment of the parochial system, all the presbyters and deacons over whom the bishop presided were members of his council, though they ministered in separate churches. Thus the parish clergy of Rome formed the council of the bishop of Rome; and his council to this day has preserved in form the outline of the primitive type, being the college of Roman parish clergy, its members taking their titles from the chief (cardinal) churches in the city.

Elsewhere another system came into being; the bishop gathered together his clergy into a common building. The story goes that Eusebius of Vercelli began this practice. St. Augustine, in any case, adopted it, instituting what he called a *monasterium clericorum*.² His example spread to

¹ Even Cyprian writes to his clergy: *Quando a primordio episcopatus mei statuerim nihil sine consilio vestro et sine consensu plebis meae privatim sententia gerere . . . de iis quae vel gesta sunt vel gerenda, sicut honor mutuus poscit, in commune tractabimus.*

² *Omnes illos secum intra unius septum habitaculi congregavit, ut quorum unum atque indivisum in religione propositum, fieret vita victusque communis.*—Maximus, *episc. Taurin.* of Eusebius, quoted by Hinschius, *Das Kirchenrecht*, II. 50. *Factus ergo presbyter monasterium inter ecclesiam mox instituit, et cum Dei servis vivere coepit secundum modum et regulam sub sanctis apostolis constitutam, maxime ut nemo quidquam proprium in illa societate haberet, sed eis essent omnia communia.*—Possidius, *Vita August.*, c. 5.

other bishops in Africa ; and in Europe also during the following century we find traces of a common life round the bishop.¹ In many parts of the West, where the bishop was a missionary, this living together was a practical necessity ; and in Gaul and Spain it became general in the sixth and seventh centuries. " The bishop's house was thus partly a monastery, though without a monastic rule, and partly a school at which younger clerks were taught and trained." And those who so lived in it were called *canonici*. Archbishop Robert of Rheims (circ. 700) *canonicam clericis religionem restituit ac sufficientia victualia constituit et praedia quaedam illis contulit, necnon aerarium commune usibus eorum instituit.*² Before the middle of the eighth century we find the *vita canonica* definitely distinguished from the *vita regularis*.³ In 755 at Verne a definite attempt was made to compel the clergy *ut aut in monasterio sint sub ordine regulari, aut sub manu episcopi sub ordine canonica*. About five years later Bishop Chrodegang of Metz composed a definite rule for his clergy.⁴ He compelled them, says Paul the Deacon,⁵ to live *ad instar coenobii juxta claustrorum septa*, and gave them the Rule, *qualiter in ecclesia militare deberent*, bestowing on them, at the same time, in sufficient measure, *annonas vitaeque subsidia, ut perituris vacare negotiis non indigentes, divinis solummodo officiis excubarent*. For the better observance of his Rule he established near the cathedral church of St. Stephen *vastissimas aedes*—dormitory, refectory, claustrum, and other buildings regularly needed for the common life.

Chrodegang's *Regula Canonicorum* is copied largely from

¹ E.g. at Tours, Bishop Baudin *instituit mensam canonicorum* ; at Bourges there was *convivium mensae canonicae*.

² *Hist. Rhem.* ap. Migne, CXXXV. 113.

³ Ex his (sc. clericis) aliqui proprietate rejecta sua simul habent communia, tam regulares clerici quam coenobitae monachi : aliqui vero saeculares nuncupati servitio ecclesiae deputantur, et quia canonicas simul in ecclesiis horis statutis laudes persolvunt, etiam canonici nominantur ; praebendas tamen suas dividendo partiuntur. —Hugo, episc. Rotom., *Contra haeret.* III. 2.

⁴ This is printed in Mansi, *Concilia*, XIV. 313–32. A much longer Rule, attributed to Chrodegang, but evidently of later date, follows it : *ibid.*, 332–46. See also E.E.T.S. 150.

⁵ *Gallia Christiana*, XIII. 706.

the Rule of St. Benedict.¹ If clergy and bishops had lived *secundum rectitudinis normam*, he says in a sort of preface, it would be superfluous for anything new to be enjoined ; but finding the clergy and people fallen into such careless ways, he is driven to make *hoc parvum decretulum*, by which the clergy of the cathedral church can rule themselves. They must with one accord be assiduous in the divine offices and sacred lectures, obedient both to their bishop and to their *praepositus*, and averse to strife. *Intendamus ergo ad hoc animum, quantum possumus ; quia non possumus quantum debemus.* Then follow the 34 *capitula* of the Rule. The canons are to sleep together in a dormitory, except those whom the bishop allows to sleep apart in houses dotted about the precincts (*in ipsa claustra per dispositas mansiones*). After Compline in St. Stephen's (which all must attend), no one is to go in or out, to eat or drink or speak, until Prime, except by permission of the archdeacon, or in his absence of the *primicerius*. They must keep all the canonical hours, and meet daily in chapter for hearing the Word of God, and receiving the commands or correction of the bishop or archdeacon. Every offender, *in aliquo contrario consistens huic parvulae institutiunculae et preceptis episcopi*, was to be punished, *sed secundum morbum adhibenda est medicina*. Not only the bishop but the archdeacon and *primicerius* also could excommunicate or otherwise punish offenders. Grave offences are punishable by corporal punishment, followed by imprisonment or exile for so long as the bishop decides. From the chapter they are to go out to such work as is enjoined them by the bishop, or archdeacon, or *primicerius*. When journeying with the bishop they must not neglect *ordinem suum*, nor forget the canonical hours. Twice a year at least, once in the beginning of Lent, and again between August and November, every canon must make his confession directly to the bishop himself ; and severe penalties are assigned if any canon, in fear, conceals some wrong-doing from the bishop, and goes with it to any other confessor.

In the refectory, where meals were taken twice a day, except in Lent, the canons sat according to rank at seven tables—the bishop and his guests, with the archdeacon, at

¹ A detailed comparison of the two is made by Rettburg, *Kirchen-gesch. Deutschlands*, I. 496 sq.

the first table, the rest in their various grades, one table being set, on Sundays and festivals, for those *clerici canonici qui extra claustra in civitate commanent*. The canons take turns to serve the tables—the archdeacon, primicerius, cellerarius, and the three *custodes ecclesiarum* (*de S. Stephano, de S. Petro, et de S. Maria*) *qui in majoribus utilitatibus occupati sunt* being excused. The archdeacon and primicerius must be *docti evangelia et sanctorum patrum instituta canonum, ut possint docere clerum in lege divina et hujus parvae institutionis*. The senior clergy are to receive new capes every year, handing those of last year to the juniors; *sarciles, camisiles, and calciamenta* are also to be provided.

At Christmas, Easter, and certain other festivals the bishop is to give them a refection; after their meal, *in caminada bibant duas vices aut tres, qualiter consolatio sit, et ebrietas non dominetur*. On certain other festivals the archdeacon is to give the meal. A wider departure from the Benedictine Rule is made in regard to property. An individual canon is to have the free disposal of any offerings made to him for masses, confessions, etc., unless it is expressly mentioned that they are given for the community. Of his real property he is to retain the usufruct for life, but is exhorted to use this life-income for the good of the community, and not to be burdensome to the general fund: on his death it is to go to the church and to the poor.

This Rule was adopted throughout Lorraine and in many churches outside.¹ The observance of the Rule would seem, however, to have become lax within half a century or so. For in 816 a council is held at Aix *super quibusdam ecclesiarum praepositis, qui partim ignorantia partim desidia subditorum curam parvipendebant*.² Its decrees cover the same ground as Chrodegang's Rule, but in greater detail, and with added strictness. The cloister is to be enclosed *firmis undique munitiōibus*, with no way

¹ It reached Rheims as late as 969, when Archbishop Adelbero introduced it in his metropolitan church, with the addition *ne quis per ignorantiam quicquam faciendum relinqueret, sancti Augustini instituta patrumque decreta cotidie eis recitanda*.—Richer., *Hist.*, III. 24.

² Mansi, *XIV.* 154 sq.

of getting in or out *nisi per portam*. The *praepositus* must see that his door is locked every night. And every day the chapter is to meet, and after prayers the *lector* is to read *capitulum de Regula*.

The Rule of Aix draws its inspiration from that of Chrodegang, much as this latter did from the Rule of St. Benedict. Both Rules prescribe the *vita communis*, and on much the same lines. In Chrodegang's Rule the arch-deacon, or in his absence the primicerius, has wide powers over the canons. In the Rule of Aix the *praepositus* only is mentioned. In both Rules it is laid down that the different orders and ranks of the clergy be kept carefully distinct¹; and in both (as against the Benedictine Rule) canons are allowed to possess private property.²

Through the ninth century and far into the tenth the Rule of Metz, or something on the same lines, was widely observed. It was already becoming relaxed in the country of its origin, when the Lotharingian bishops introduced it to England. And before the end of the eleventh century the keeping of the canonical rule by secular canons had ceased almost everywhere. Bishop Yves of Chartres, lamenting that *communis vita in omnibus ecclesiis paene deficit*, was largely instrumental in founding the "Canons Regular of St. Augustine," who were constituted an Order by Pope Alexander II in 1061. But they became almost indistinguishable from another monastic order; and the canons of cathedral chapters (with few exceptions, as at Carlisle) continued to be secular.

¹ *Ordines suos canonici ita conservent, ut ordinati sunt in gradibus suis*. We may perhaps see in this the germ of the "forms" in the English cathedral churches.

² In some interpolations or additions to the *Forma Institutionis* of Aix, which Mansi thinks to be part of the Rule of the canons of Liège, the holding of private property is strictly forbidden: *ne quis praesumat aliquid dare vel accipere sine jussione prioris, neque aliquid habere proprium. . . . Omnia omnibus sint communia, ut scriptum est; nec quisquam suum aliquid esse dicat vel praesumat*.

NOTE D

THE LANDS OF THE CHURCH OF HEREFORD IN DOMESDAY

IN Domesday the rubric *Terra ecclesie* instead of *Terra episcopi* is peculiar to the lands of Hereford and Worcester. (Of York the rubric is *Terra archiepiscopi ebor. et canonicorum et hominum ejus*.) The "church of Hereford" is reckoned to possess 300 hides in the county, *quamvis pro xxxiii hidis homines episcopi rationem non dederint*.¹ Four short entries deal with certain changes which have come about since Bishop Robert succeeded Bishop Walter. And then comes a second rubric, *He terre subter scripte pertinent ad canonicos de Hereford*, followed by nearly five columns of entries in which the lands of bishop and canons are inextricably intermingled. Thus of the manor of *Hamme* (Holme Lacy), or part of it, we are told *Hanc terram tenet Rogerus de Laci sub episcopo*; and in the next line *Hoc manerium tenuit Heraldus comes injuste quia est de victu canonicorum*.² It is not easy to account for this unusual prominence given to the canons of Hereford in Domesday. In later days, however, we find the chapter

¹ The *Oswaldeslaw* of the church of Worcester was also of 300 hides. Wherever the system of assessment is based on the 5-hide unit, the holding is ancient.

² In the Domesday record of Wells it is definitely stated that what the canons held they held under the bishop: *canonici Sancti Andree tenent de episcopo*. At Exeter (under the rubric *Terra episcopi*) is an entry: *He quattuor supra notate ville sunt de victu canonicorum*; and another: *Episcopus tenet Branchescome. H est de victu canonicorum*. In the manor of St. German's were 24 hides: *ex hiis xii hide sunt canonicorum et alie xii hide sunt episcopi*. (The bishop's hides are geldable, the canon's hides are free.) At Chichester, under the rubric *Terra episcopi* is the entry: *Canonici de Cicestre tenent communiter xvi hidas, que numquam geldaverunt, sicut dicunt*. Under Hertfordshire is the rubric *Terra Sancti Pauli Lond.*, followed by *Canonici Lundonienses tenent*. . . . For Worcester (where the chapter was monastic) we read: *Ecclesia sancte Marie de W. habet unum hundret quod vocatur Oswaldeslaw, in quo jacent CCC hide. De quibus episcopus ipsius ecclesie a constitutione antiquorum temporum habet omnes redditiones*.

regarded as in some degree the guardians of the episcopal estates; and their sanction is required for all formal instruments affecting the temporalities of the see. Even at the present day certain acts of the bishop of Hereford are only binding on his successor when formally "confirmed" by the chapter.

The Domesday entries indicate, in spite of their ambiguity and apparent confusion, that a separation of the capitular from the episcopal estates had already begun.¹ Some lands are said to be *de Bertune canonicorum*, some again *pertinent ad Bertune episcopi*. In More (still called Canon Moor) *ipsi canonici habent iiii hidas*. There are no less than eight entries which record the holding of land by *clerici* as opposed to *presbiteri*.² In Woolhope, from a holding of $1\frac{1}{2}$ hides, *miles reddit v solidos canonicis Sancti Alberti* (i.e. Ethelberti). In Caple 5 English hides pay geld, and 3 Welsh hides render 6 shillings to the canons yearly. In these entries we seem to have at least some partial anticipation of a prebendal system.

The position of the priests, too, on the "canons' lands" is peculiar. Usually in Domesday the priest is mentioned with the villeins, and it is so in several entries here.³ But

¹ In many French cathedral churches it had been made long before. The earliest division of which we have full knowledge was at Notre-Dame de Paris in 829, when Bishop Inchad assigned certain lands to the canons at their request. A little later Gunthar, archbishop of Cologne, gave to his canons *jus et gubernationem* over the property of the cathedral church. At Toul, in 971, the further division of the capitular estates, to form distinct prebends, had already been made. At Meaux the canons had their own estates assigned to them in 1004.

² In Eaton Bishop 2 clerks hold 2 hides and 3 virgates; in Preston-on-Wye 2 clerks hold $2\frac{1}{2}$ hides; in Woolhope 2 clerks hold 1 hide and 1 virgate; in Withington 3 clerks hold 4 hides; in Huntingdon 1 clerk holds 2 hides; in Canon Moor 3 clerks have 3 villeins with 4 ploughs; in Burton (Holme Lacy) 4 clerks hold $4\frac{1}{2}$ hides; in Moreton-on-Lugg 3 clerks hold 4 hides *de episcopo*; in Dormington *unus clericus episcopi tenet de eo*; and in Canon Pyon 3 *clerici episcopi* hold $4\frac{1}{2}$ hides. (Whether we are meant to draw any distinction between *clericus* and *clericus episcopi* is uncertain. It has been conjectured that by *clericus episcopi* we should understand a canon living on his prebend and serving the adjoining districts, while *clericus* was the vicar put in place of the canon.)

³ E.g. under Ross: *Ibi xviii villani et vi bordarii et presbiter cum xxiii carucis*.

in others priests are holders of what we may almost call glebe. In *Ladguern*¹ there is a church with land which does not pay geld, but the priest renders 2 shillings thence. In Bishop's Frome : *de isto manerio tenent ii milites iii hidas, et capellanus episcopi i hidam, et presbiter ville unam virgam terre*. In Ledbury a priest holds 2½ hides, and *quod presbiter tenet valet l solidos*. In Bosbury a priest holds 1 hide; in Cradley one has 1½ virgates. In Bromyard 2 priests hold 1 hide, and a chaplain 1 hide and 3 virgates; in Little Marcle a priest holds half a hide. Of unspecified land *circa portam Herefordie* 2 chaplains of the bishop hold a certain part. From all this it is evident that clerks and chaplains have large holdings, and priests in important episcopal manors, such as Ledbury, Bromyard, or Frome,² have almost as much, while the ordinary priest of a bishop's vill may have a virgate or even half a hide, but more often he is mentioned casually with the villeins.

Of six episcopal manors (and a hide in another)³ we read : *Hoc manerium tenuit Heraldus comes injuste. Rex W. reddidit Walterio episcopo*. In estimating a charge of this sort we must remember that Domesday is scarcely an impartial witness against Harold; and further that it was a very common thing for the reeves or other officers of powerful men to deal very freely with church lands, with or without the knowledge of their masters.⁴ Another interesting entry tells us that Harold held Eaton Bishop (this time it does not add *injuste*) and that William Fitz-Osbern gave it to bishop Walter *pro terra in qua mercatus est modo, et pro tribus hidis de Lidenegie*.⁵ There are three hides in Whittington, near Monmouth, on the Wye, *que recte pertinent ad episcopatum*, but they are waste; and *Stane*, an

¹ Mr. Horace Round thinks this may be Llanwarne; it might equally be Llangarren where the chapter still have interests.

² Frome was a bishop's manor early in the ninth century. For about 840 Bishop Cuthwulf gives a lease of land there for three lives.—*Birch*, II. 3.

³ Colwall, Coddington, Hampton Bishop, Sugwas, Bridge Solers, Collington (and the Hazle in Ledbury).

⁴ For a full discussion of this charge against Harold, see Freeman, *Norm. Conq.*, II. 542-52.

⁵ Lydney in Gloucestershire, still in the patronage of the chapter.

unidentified manor, in or near Ewias, also belongs by rights to the bishop, and it too is waste.

The church lands had not suffered so terribly as others had in the fierce raids—by Gruffydd and his host thirty years, and by Eadric the Wild less than twenty years, before the survey. Yet the commissioners report that Bishop Robert found 40 hides still waste when he came to the bishopric in 1079, *et ita sunt adhuc* ends the notice. There had been some recovery from the devastation of the earlier invasion, since we often read that T.R.E. (i.e. in January 1066) a manor was waste, but now is worth so much; or T.R.E. it was worth 60 shillings, now 100 shillings. In Walford the villeins themselves had taken over some waste lands, paying 10 shillings, and making what they could of it. In the city itself Bishop Walter T.R.E. had 98 burgages (*masurae*); when Robert became bishop there were only 60.¹ (One episcopal manor, Coddington, possessed three houses in Worcester, bringing in 40*d.*)

Exactly how and when the church of Hereford became possessed of these lands we have no means of knowing, since no early records remain. The (unspecified) grants said to have been made by Offa, and later by Milfrid, are the mere invention of a later age. Nor is there any documentary evidence for the endowments of Edmund Ironsides at Ross,² nor for the manor of Lydbury North, said to have been given by Egwin Shakehead.³ The grants of Wulviva and Godiva, *que dederunt Hopam, Prestoniam, Pioniam, et Nortunem, et ceteras terras ecclesie*,⁴ are only attested by the calendar of obits. Yet we may fairly assume that the three hundred hides of land which the church possessed in 1086 were in large measure the gift of Mercian kings or

¹ The tenants of the bishop's fee in the city had no share in the customs and privileges (of Breteuil), granted to the citizens by Fitz-Osbern, until, in the reign of John the citizens, "for reverence to God and the church, our mother," admitted them to equality by "a composition made between us and them."

² Walter Map, *De Nug.*, p. 20.

³ See Note A.

⁴ xviii Kal. Feb. The income from these four chief manors (Woolhope, Preston-on-Wye, Canon Pyon, and Norton Canon), with a number of charges on some fifty parochial churches in the patronage of the bishop or chapter, was in the earlier days the main portion of the rather meagre common fund of the canons.

under-kings ; *largitione regum vel principum, oblatione fidelium seu aliis justis modis*, says the pope in 1184 of these Hereford acquisitions. Bishop Robert (1140-8) states that he has acquired land for the church of Hereford *et precibus et pecunia et amore* ; and doubtless his predecessors did the same.

NOTE E

THE FOUNDATION OF THE CHAPTERS OF YORK, LINCOLN, AND SALISBURY

THE constitution of an English secular cathedral church cannot be understood without some knowledge of the process by which the capitular system was introduced into England. The three chapters of York, Lincoln, and Salisbury were established, within a few months of one another, in the year 1090-1; and in the following century they exercised a vast influence upon the constitution and development of the chapters elsewhere. With some variety of detail, these three churches adopted practically the same constitution, and by the middle of the thirteenth century all the secular foundations in England are found conforming more or less to the same type.

The story begins at York in 1070, when Thomas, treasurer of the church at Bayeux and chaplain to King William, was made archbishop. He found the minster a blackened ruin¹; and of the seven canons (for there had never been more), three only remained. He recalled those who had fled, increased their number, gave and recovered lands and churches, and provided *plurima de proprio suo* for their maintenance. Devoted to learning, he had as a young man studied in the schools of Germany and Lorraine, and would seem to have been attracted by the Rule of Chrodegang. For, following the example of Leofric at Exeter, Giso at Wells, and his own predecessor, Ealdred, at York itself, he revived the Lotharingian discipline, building a dormitory and refectory; and (adopting, as had been done at Lichfield and at Wells, the actual name from Lorraine) *praepositum constituit qui caeteris praeesset et eos procuraret*. When the Rule had been tried in the minster for nearly twenty years, apparently with little success, taking counsel with friends, whether in England or Normandy,² he adopted,

¹ *Ecclesia combusta et destructa reperit.*—*Hist. of the Church of York* (R.S.), II. 108.

² *Consilio quorundam* is all that Hugh the Cantor says.

in 1090, the type of chapter with which he had been familiar in his old church of Bayeux. He divided the very considerable estates of his church into prebends, which were allotted to the several canons individually¹; and he founded, as at Bayeux, the "dignities" of dean, cantor, and treasurer, the chancellor or *magister scholarum* already existing at York.

Remigius, almoner of the monastery of Fécamp, who had himself fitted out a ship and gone with it to Pevensey for the battle there, was rewarded for his zeal by obtaining the first important church preferment which fell vacant after the Conquest, the great see of Dorchester. Though this diocese was vast in extent (by far the largest in England), its cathedral church was in an insignificant and inconveniently situated village—*exilis et infrequens* says William of Malmesbury.² Within twenty years Remigius had transferred himself to Lincoln, where he started to build a great church, and, even before its completion, to constitute a chapter. In September 1090 he obtained from William Rufus a charter, confirming the transference of the see to Lincoln, and approving the creation of a chapter with a dean.³ Although (or perhaps because) he was himself a monk, Remigius was determined that his church should be a secular foundation. He followed the Norman pattern which Thomas had adopted at York, though, if we may trust Giraldus Cambrensis,⁴ his special and immediate model was Rouen, rather than Bayeux, the difference, however, being very slight. As in the Norman churches generally, he established the *Quattuor Personae*, dean, cantor, chancellor, and treasurer, together with seven archdeacons and a subdean. He appointed twenty-one canons, to each of whom he gave a prebend, and granted to their common fund the offerings at all the altars in the whole church.⁵

On the constitution framed for Salisbury we have a full

¹ The exact number of canons of York at this time is uncertain. But Thomas made his arrangements *ita ut canonicorum numerus crescere posset*.

² *Gest. Pont.*, 311.

³ Bradshaw and Wordsworth, *Linc. Cath. Stat.*, II. 1-6.

⁴ *Angl. Sacr.*, II. 415. *Juxta ritum Rothomagensis ecclesiae quam sibi in singulis quasi exemplar elegerat et praefererat.*

⁵ *Ibid.*

contemporary statement in the two charters granted by Bishop Osmund himself in the king's presence at Hastings early in 1091.¹ The first document states that he has built a church, appointed canons in it, and endowed them with certain manors and churches (of which a list is given), and with half the offerings at the high altar and all those at the other altars in the church. The second document (*Institutio Osmundi*) is the earliest account we have in any detail of the constitution of an English cathedral church: *He sunt dignitates et consuetudines Sarum ecclesie quas ego Osmundus episcopus ejusdem ecclesie . . . institui simul et concessi personis et canonicis ejusdem ecclesie, participato dominorum archiepiscopi et aliorum co-episcoporum nostrorum consilio*. Then follow rules as to residence, the privileges, duties, and rights of the chief dignitaries and canons.²

We have here, in general outline, the form of constitution which, in little more than a century, and with considerable variety of detail, was adopted in every secular cathedral chapter in England. And it is easy to see how this came about. Among the *coepiscopi* with whom Osmund took counsel were both Thomas of York and Remigius; and a few months earlier Osmund had been a witness to the king's charter empowering Remigius to establish the chapter of Lincoln. Seeing this, and noting that York, Lincoln, and Salisbury were founded within a few months of each other, and each after consultation with the others, and with fellow-bishops,³ we can readily understand how the type of constitution thus authoritatively laid down by the three sister churches became the pattern for all the secular chapters in England, Scotland, and Ireland. In some cases

¹ *Reg. S. Osm.*, I. 198-200, 212-15.

² The main privilege of the chapter is *ut episcopo in nullo respondeant nisi in capitulo, et judicio tantum capituli pareant*. In the distribution of the *communa*, the dignitaries receive twice as much as the other canons.

³ Bishop Robert of Hereford signs as witness both to the Lincoln charter and to the *Institutio Osmundi*. He was probably well acquainted with Thomas of York, who lived most frequently at Gloucester, where the church of St. Oswald was a peculiar of York. But, like his predecessor, Walter, he was a Lorrainer, and the Bayeux influence does not seem to have reached Hereford until later.

we can actually trace the connexion. As early as 1137 Bishop Robert of Wells asked advice and help from Sarum in remodelling the constitution of his church. In or about 1214 the bishop of Moray, founding a chapter, sent to Lincoln for information as to their privileges and customs.¹ In 1259 the dean and chapter of Glasgow made an application to Salisbury for a statement of the canons' privileges; and the Sarum chapter sent in reply a detailed account of their *libertates et approbatas consuetudines*, with a long quotation from the *De Officiis Ecclesiasticis Tractatus*, in which Bishop Richard le Poore (1217-29) had explained and expanded the *Institutio Osmundi*²: Lincoln itself felt the influence of the Sarum *Tractatus*, and copied much even of its very words.³ Though we have no record of direct communication with Salisbury by the other English chapters, the Sarum influence is distinctly to be traced in the *Consuetudines* or Statutes of Lichfield and Exeter; and (by way of Lincoln) Sarum influenced St. Paul's also.⁴

¹ The *Epistola capituli Lincolniensis de constitutionibus ecclesie sue*, in reply to this request, is given in full in *Reg. Ep. Morav.* (ed. Cosmo Innes), pp. xii-xiii, 44-58. It is probably the first attempt to reduce the Lincoln customs to writing.

² See *Reg. Ep. Glasg.*, I. xxx. 169-71.

³ As late as 1440 the dean and chapter of Lincoln consulted Sarum on points of privilege.—Bradshaw and Wordsworth, *The Black Book*, pp. 404-7.

⁴ In 1092 (the year following the constitution of their chapters) the cathedral churches of Sarum and Lincoln were completed. Osmund invited to assist in the consecration only his two nearest episcopal neighbours, Walkelin of Winchester and John of Tours from Bath and Wells. But Remigius, overcoming the hindrance of Archbishop Thomas's claim of jurisdiction, secured from the king a royal command to all the bishops of England to attend the dedication of the church. All came, save only one. Robert of Hereford knew by his skill in the lore of the stars that the consecration would not take place in the lifetime of Remigius, and stayed away. On the day before that appointed for the ceremony Remigius died; and the consecration was delayed for some years. Will. Malms., *Gest. Pont.*, 313.

NOTE F

THE POSSESSIONS OF LIRA AND CORMEILLES

THE endowments of the abbey of Lira in the diocese of Hereford included the following: in the town of Hereford itself twelve pounds and one burgess; the churches of Tidenham, Lydney, Linton, Wilton (i.e. Bridstow), Marcle, Tenbury, Dewsall, Hope (probably Sollershope), *Wenstaurde*, and Eardisland; the tithes of King's Cagle, Ocle, Credenhill, Kinlet, Stanford, Thornbury (with one man), Lugwardine (with one man); and one virgate of land in Sutton. The abbey had nearly as much in the diocese of Winchester; and, together with its property in Normandy, considerable possessions in the dioceses of Worcester and Sarum, with some in Llandaff. (For William Fitz-Osbern's charter see *Gallia Christiana*, Vol. XI. An *Inspeximus* of Henry II in the archives of Evreux gives the fullest details. It is copied in the Public Record Office Transcripts, series 2, vol. 140a, No. 87.)

The possessions in the diocese of the abbey of Cormeilles were the manor of Newent, with the church, tithes, mills, and the woods of Yarcledon and Teddeswood¹; *Cuntonam et Lindam et Eacham et Melswicham cum molendinis et pratis de Cungeheleia cum omnibus sartis que pertinent ad Nowent et Strilling; et Bulesdunam*²; the churches of Taynton, Pauntley, and Dymock, and one virgate of land there; the wood of *Eadulueshulla ad assartandum*; Monmouth Troy, Cumcarvan, and the church of Strigul (Chepstow); and in the town of Hereford twelve pounds, and in Gloucester and Dymock forty shillings. It had also much property east of the Severn, and some in Llandaff diocese. (These details are taken from a charter of Henry II, confirming the grants to Cormeilles, quoted in an *Inspeximus* of Edward II in the Record Office, Charter Roll, 2 Ed. II,

¹ Two hides in Kingston (Weston-under-Penyard), parcel of the manor of Newent, are all that are credited to Cormeilles in Domesday.

² These holdings cannot be satisfactorily identified.

No. 27, dated March 4, 1308-9, printed in *Reg. Swinfield*, pp. 249-51. There is also an *Inspeximus* under seal of the bishop of Lisieux, printed in Madox, *Formulare Anglicanum*, XVI. Fitz-Osbern's grant and nearly all the charters of the abbey have disappeared. *Gallia Christiana* simply says of Cormeilles that its history *latet, vel oblivione sepulta, vel saltem in tenebris et pulvere abstrusa*.)

There is in the chapter archives a deed of Bishop John le Breton, dated June 1269, in which, after confirming the rights of the abbey to the great tithes of sundry churches, he says: *Abbatem Lyrensem, de assensu capituli nostri, canonicum Herefordensis ecclesie constituimus, assignantes eidem stallum in choro et locum in capitulo, et in predicta ecclesia vicarium habebit nomine suo ministrantem, qui panem et cervisiam percipiet*. In the following September Lyre made over to the bishop the well-endowed church of Shinfield, which was probably the *quid pro quo*.¹

No record can be found of the conditions under which the abbot of Cormeilles became a prebendary, or of any later relations with the chapter. The assignment of a prebend to Cormeilles may date from 1195, when Abbot Durandus, giving the church of Marden to the Canons, conceded to them also "fraternity," that, alive and when dead, they should share the same benefits as the monks of Cormeilles.²

There are instances in other cathedral churches of prebends being attached to foreign monastic houses. The abbot of Bec was *ex officio* canon both of Sarum and of Wells; and the abbot of Grestein was canon of Chichester. Conversely, the abbot of Bruton was canon of Coutances.

The relations between Hereford and the two foundations of Fitz-Osbern would seem to have been intimate, apart from the abbot-prebendary and his vicar. In the *Kalendar of Obits* two abbots of Cormeilles are commemorated, and one vicar; but in addition we find the names of three priors of Cormeilles, and one of Strigul (its daughter-house), nine monks of Cormeilles, and three laymen (one of whom held land in Clehonger). From Lyre are commemorated three abbots and four monks.

¹ Capes, *Charters*, 121-3.

² Harl. MS. 6203. As so often in grants of this day, the grant of Marden is made *ut defectus panis quotidiani, et cervisie, qui in communia Herefordensi hactenus extitisse dinoscitur, suppleatur*.

NOTE G

THE CHURCH OF HEREFORD AND THE CHURCH OF AIX

THE mortuary chapel or basilica of Aix was built by Charlemagne to receive his body at death. He designed it in a circular, or rather polygonal form, to resemble the church of the Holy Sepulchre at Jerusalem. It had a large open porch, flanked by two circular towers. The centre consisted, internally, of an octagon, with an arched aisle all round. The diameter of the outer polygon was 95 feet, and that of the inner octagon 47 feet 6 inches. Above was a clerestory with windows, surmounted by an octagonal dome. On the further side, opposite the entrance, was a square *sacellum* or sanctuary, only 16 feet square.

The church was solemnly consecrated in the year 804 by Pope Leo III ; and the emperor, dying ten years later, was buried in a subterraneous chamber under the sanctuary. In the fourteenth century (1355-1414) the *sacellum*, with a portion of the external wall adjoining, was pulled down, in order to form an entrance to a new choir, itself 95 feet long and 47 feet 6 inches wide, developed and expanded at the east end into a circle, to contain the altar-shrine, to which the emperor's relics were removed in 1415.¹

It seems impossible that any portion of the church of Hereford can have been modelled on the basilica described above. Yet William of Malmesbury saw the church within fifty years or so of its building, and he could scarcely have invented the reference to Aix. Bishop Robert, as a Lotharingian, would probably have seen the basilica, which certainly was built *tereti scemate*. But that he imitated it in the church of Hereford we cannot believe. It is difficult to reject the historian's statement, but even more difficult to accept it.

¹ A full description, with plan, of the basilica of Aix will be found in the Sessional Papers of the Royal Institute of British Architects for the year 1870, pp. 35-42.

NOTE H

THE FAMILY OF BISHOP WILLIAM DE VERE

WILLIAM DE VERE, brother of the first earl of Oxford, was the son of Aubrey de Vere, *camerarius regis*, and his wife Alice, daughter of Gilbert de Clare.¹ In early days at Paris he had been a friend and fellow-student of Arnulf, afterwards bishop of Lisieux, and of Ralph de Diceto.² In 1141 Aubrey the chamberlain was killed, and his widow lived till her death in 1163 at St. Osyth's, of whose patron saint her son wrote the life and miracles. It is not certain when he became a canon of St. Paul's, where his friend Ralph became archdeacon of Middlesex in 1152 and dean in 1180. Both William and Ralph were on intimate terms with their bishop, Gilbert Foliot, and the latter was on several occasions the bishop's envoy in the feud with Becket. Several Foliot friends were members of the chapter of St. Paul's; and Robert Foliot, archdeacon of Oxford, though not a canon, was often in London in attendance on his kinsman the bishop, until in 1174 the latter secured for him the bishopric of Hereford. In 1142 the Empress Maud created William's brother Aubrey earl of Oxford; and in the charter then given to him she promises to provide for all his brothers, assigning to William the chancellorship.³ Although this charter is officially confirmed by the future King Henry II (then only nine years old), William de Vere never obtained the chancellorship, but succeeded Robert Foliot as bishop of Hereford.

¹ This is definitely stated in the Kalendar of Obits, in which "Albricus de Vere, father of William, bishop of Hereford," is commemorated on May 15, and "Alice de Vere, mother of William, bishop Hereford," on August 11.

² In or about 1152 Arnulf, writing to Ralph, who was again in Paris, says: *Visita nos, quia te cum desiderium nostrum, tum loci propinquitas, tum etiam solemnitas invitat. Dominus quoque Willelmus de Ver ex promissione tenetur, ut veniat, vobisque invicem solatiari poteritis, et nobis sanctae solemnitatis duplicare.*—Arnulf. *Lexov., Ep.*, 16.

³ *Do et concedo eidem Comiti Alberico Cancellariam ad opus Willelmi de Ver, fratris sui, ex quo deliberata fuerit de Willelmo cancellario, fratre Johannis filii Gisleberti qui eam modo habet.*—J. H. Round, *Geof. de Mand.*, 182.

NOTE I

THE HOSPITALS OF ST. ETHELBERT AND ST. KATHERINE

1. IN the end of the twelfth century Elyas de Bristol was a "clerk" to King Richard I. When he became canon of Hereford is uncertain.¹ He was evidently a man of considerable means, and set himself to buy up house property in the city, together with rentcharges and small estates in the suburbs. With these for endowment, he founded, in or about 1225, the hospital of St. Ethelbert. The foundation deed, in the chapter archives,² specifies the various estates bought and made over to the hospital, but contains no provisions for its administration, nor were any framed for centuries. Within a few years of the foundation we find a *custos* and *confratres* appointed *ad pauperes Christi singulis diebus ibidem reficiendos*. Twenty years later, in the sweeping indictment which Bishop Peter de Aquablanca brought against the chapter, he charges them with failing to observe the rule that a hundred poor persons should be fed daily at St. Ethelbert's. But the bishop's many charges are extravagantly phrased, and the papal commissioners who heard the case ignored this complaint. But it became the traditional belief, and even the Caroline Statutes say that "in times long past we read that a hundred were daily relieved"; commanding, however, that in future ten poor persons, *aetate graves, moribusque commodis*, should have houses rent-free, with provision of bread and money.

The foundation, from the first, met with sympathetic friends who increased the original endowment. The archbishop of Canterbury and Hugh Foliot, the bishop of Hereford, offered indulgences to all who would help; other bishops followed their example; neighbouring clergy and landowners bound themselves to furnish definite quantities

¹ We cannot safely identify him with a treasurer of Hereford who bore the same name, according to Le Neve, in 1145, nor with another who died chaplain of Nympsfield in 1186.

² Printed in Capes, p. 57 sq.

of corn each year. The abbey of St. Augustine's, Bristol, promised a fixed quantity of beans or peas each year. The citizens of Hereford engaged to contribute a tithe of the tolls or stall-dues of their fair on St. Denys's Day.¹

In 1525 Bishop Charles Bothe united the hospital and its revenues to the treasurership of the cathedral church, on the plea of the impaired income of the treasurer.² He would seem to have made a good thing out of it, for in the return of the revenues of the cathedral made ten years later the rents of the charity are estimated at ten pounds a year, out of which only thirty-five shillings were paid out to seven poor persons living in the seven houses of the inmates. The treasurer was Master of St. Ethelbert's (provided he was a residentiary, say the Caroline Statutes) from this date until 1876, when the Charity Commissioners decided that the chapter might elect one of its members, whether treasurer or not, as master, at a fixed stipend of fifty pounds a year.

2. Incited by the generosity of his canon to a rivalry in good works, Bishop Hugh Foliot founded at Ledbury³ a hospital more or less on the same lines as that of St. Ethelbert. Local tradition says he dedicated it to St. Katherine (Audley) of Ledbury, whose legend is commemorated by Wordsworth in an uninspired sonnet. But we know, from the Patent Rolls, that she was alive in 1313 and in 1323, and Bishop Hugh's charter is dated "Sunday next after the festival of St. Gregory," 1232; so the patron saint must be St. Katherine of Alexandria, one of the fourteen most helpful saints in heaven, as thought the Middle Age.

Bishop Hugh's endowment was three burgages in the town of Ledbury. But Walter de Lacy gave the churches of Weston Beggard and Yarkhill, and Geoffrey de Long-

¹ This was a fair of three days beginning on October 9, which was granted to the citizens by a charter of Henry III in 1227.

² *Reg. Bothe*, 171-4.

³ The episcopal manor of Ledbury would seem to have been a favourite place of residence with Bishop Hugh, and indeed with his predecessors, some of whom were even buried there. Bishop Gilbert wrote to his kinsman Robert, on the latter's election to Hereford, urging him to care for the church of Ledbury, *ob sedem episcopalem quam jamdiu obtinuit, et ob sanctorum episcoporum reverentiam, quorum ibidem corpora requiescunt.*—*Ep.*, 301.

champ that of Kempley, and numerous grants followed from the neighbouring magnates. The government of St. Katherine's also was assigned to the dean and chapter (who still receive from the revenues the forty shillings then prescribed, and no more). They were to appoint the master and brethren, two of whom were to be chaplains, praying for the souls of the bishop and the canons. The chapel was licensed for daily use by grant from the two "portionist" rectors (a Braose and a Foliot!).

The supervision by the dean and chapter, being little more than nominal, was not sufficient to check abuses, mainly of long leases at low rents granted by the master for a consideration. In 1398 one of the ablest and most vigorous of the deans of Hereford, John Prophet, issued a drastic set of ordinances, which, after nine years, when he left for York, fell into disuse, and the old irregularities arose afresh. In 1580 a dishonest bargain between the queen and the bishop for the alienation of the hospital was set aside by the Court of Chancery, and new regulations were made under the authority of Parliament: that henceforth the master must be a canon residentiary of Hereford, bound to reside in the hospital for at least four months in each year, that the dean and at least two other members of the chapter should "visit" the hospital once a year, and that leases and all other financial arrangements should be executed only under their authority. The terms of this decree have been observed to this day, except that for a short period under the Commonwealth the Lord Protector was substituted for the dean and chapter as the supervising authority; and from him the Anabaptist, John Tombs, obtained a beneficial lease (practically a free gift) of the lands of the hospital. Both these changes were, of course, disallowed at the Restoration.

NOTE J

THE GRANTS TO THE CHURCH OF HEREFORD BY FOREIGN MONASTERIES

THE grants of Herefordshire land and tithe by William Fitz-Osbern to Lyre and Cormeilles were followed by many similar gifts to foreign monasteries from Norman lords in the March. In the twelfth and thirteenth centuries these English possessions began to cause anxiety to the Norman monks, and they sought to secure episcopal or capitular support and protection. This they could do with least loss to themselves by making over to bishop or chapter the advowsons of English churches in their gift. To an English corporation these advowsons were valuable, since the bishops readily sanctioned the appropriation of the revenues of the church, with scanty provision for a vicar. Such appropriation, however, was not to be thought of for the benefit of a foreign abbey. But by making over the patronage to an English bishop or his chapter, the Norman house could obtain the promise of a pension charged on the church, and also secure support for other property which it possessed in England.

For these reasons the abbey of Lyre, in 1269, made over to the bishop of Hereford the valuable church of Shinfield in Oxfordshire, reserving to itself a pension of forty shillings, and obtaining episcopal confirmation of its rights to two-thirds of the tithes of various churches in the diocese, and the appointment of its abbot as prebendary of Hereford.¹ Of the tithes of Lydney, with its dependent chapels of Aylburton, St. Briavels, and Hewelsfield (which had been assigned to Lyre by the pope, in 1158, after a dispute with St. Florent of Saumur), the bishop confirmed two-thirds to the abbey and one-third to the vicar; but in 1219 all was made over to the dean and chapter.² The transfer of the advowson of Marden to the chapter by the

¹ Capes, *Charters*, 121-3.

² Harl. MS. 6203.

abbot of Cormeilles was made in 1195.¹ The abbey of St. Peter de Castellione (Conches), though possessing only a small property in the diocese (Monkland, given by Ralph de Tony), thought it wise, in 1233, to secure the goodwill of the chapter by granting to it a pension of half a mark.² The important grant of Diddlebury, in 1236, by the abbot and convent of Seez,³ with a pension of ten marks reserved to the monastery, was some fifty years later a subject of dispute. Diddlebury had been given to Seez by Earl Roger Montgomery, but, apparently in forgetfulness, to the abbey of Shrewsbury also; and in 1282 the latter claimed possession. The dean and chapter sent pressing letters to Seez, asking the convent to send them documentary proof of title, and the treasurer went himself to France urging prompt assistance, since the question was already in the courts. At last it was referred to the arbitration of Bishop Swinfield, who decided in favour of the chapter, but, as compensation, allowed the abbey of Shrewsbury to appropriate the church of Stottesdon.⁴

The charters, in which these grants are made to bishop or chapter, deal in fine sentiments expressed in appropriate language.⁵ But the relations between regular and secular clergy were not commonly of a very cordial nature; and it was fear of spoliation rather than disinterested kindness which prompted the gifts. That this fear was not groundless is shown in the many raids by the crown on the funds and estates of foreign houses, and their final confiscation in 1414.⁶

¹ Harl. MS. See also Appendix F.

² Capes, 72.

³ *Ibid.*, 73.

⁴ *Ibid.*, 147-53.

⁵ E.g. the monks of Seez *in remotis partibus agentes eidem ecclesiae non possunt in idoneo pastore, prout expedit et decet, providere*; and the abbot of Conches claims to be acting *mera liberalitate*.

⁶ Cormeilles, in 1274, needed the presence in England of eight of its thirty monks to manage its extensive property. In 1420 even the presentation to "the choral vicarage of Cormeilles" in the church of Hereford had passed to the master and fellows of Fotheringay.

NOTE K

THE BURGUNDIANS IN THE CHAPTER

WITHIN a few years of the appointment of Peter de Aquablanca¹ as bishop of Hereford the diocese was overrun by the Aquablanca clan. The bishop's three nephews were first provided for. Emeric became precentor, John and Aymon obtained prebends. The archdeaconry of Salop, which Peter was holding when he became bishop, fell (with five years' leave of absence for study) to his great-nephew, James, a boy still at school, who was also made a portionist of Ledbury. Relatives and fellow-countrymen were William de Conflens, who became archdeacon of Hereford, and William de Gruyère, Martin de Gaye, Peter de Ugina, Peter de Langon, John de Pouns, and Peter de Vesino, canons. Pending vacancies in the chapter, Gerard de Ugina became rector of Colwall, Peter and Pontius de Cors (great-nephews of the bishop) portionists of Bromyard, Cantorin (the bishop's doctor) rector of Eastnor, Hugh de Tournon rector of Whitbourne, and Martin de Chambery rector of Stretton and Ashperton.

This intrusion of Bishop Peter's relatives and friends quite naturally caused resentment; and soon there was war in the chapter, which lasted for half a century. Giles de Avenbury, the dean, was foremost in opposition to the Burgundians, who, with the bishop's help, succeeded, in 1253, in getting rid of him as dean. Exactly what happened is not clear. A papal letter, early in that year, speaks of his intention to resign. In the lawsuit which resulted, John de Aquablanca pleads that Giles *non deceptus, non coactus, sponte sua in ipsius loci diocesani manibus omne jus in decanatu resignavit*; while Giles asserts that *per vim et metum quae cadere poterant in constantem* he had been driven to resign.² In any case we find that in 1254 Giles is treasurer, and a Burgundian, Ancelin de Clermont, dean.

¹ *Natione Burgundus*, Flores, II. 480. For the inclusion of Savoy in Burgundy see Bryce, *Holy Rom. Emp.*, Appendix A.

² *Reg. Swinf.*, 322.

In 1262 Ancelin becomes bishop of Maurienne,¹ and John de Aquablanca is elected dean. In the November of that year came the Welsh raid on Herefordshire, and next summer the imprisonment of Bishop Peter and his kin by the Marcher lords.²

When the Savoyard canons, in 1264, returned to the cathedral church, and the bishop went abroad for the last time, the strife in the chapter broke out more bitterly than before. Fighting, even *in pleno choro*, was not unusual; and a financial agent of the bishop, Bernard Prior of Champagne, was murdered while hearing Mass in the chapel of St. Mary Magdalene, between the cathedral church and the bishop's palace.³ Giles, treasurer and ex-dean, was emboldened, after the bishop's death, to appeal for reinstatement to the court of Canterbury, where in 1270 he obtained a decision in his favour.⁴ But John de Aquablanca appealed from the Canterbury official to Rome, and went off to prosecute his suit in person.

Meanwhile the dissensions in the chapter went on as before. The new bishop, John le Breton,⁵ an Englishman who disliked the Savoyards, deprived some of them of their preferments. First he induced or compelled Emeric de Aquablanca to exchange the precentorship for the much less lucrative chancellorship.⁶ Then in 1273 he took the

¹ *Reg. Swinf.*, 322; Mugnier, 310.

² See p. 53.

³ It would seem, however, that this murder was some years earlier. See *Reg. Cant.*, 128.

⁴ In 1270 Boniface the archbishop died. And the chapter of Canterbury, asserting their rights of administration *sede vacante*, appointed one of themselves as official, to carry on the work of the archbishopric. He, glad of the opportunity of dealing with a case as metropolitan, gave sentence for Giles. *Unde decanus Herefordensis, eo quod injuste de decanatu suo per suum episcopum spoliatus est, et alius contra justitiam intrusus, coram predicto officiali illum convenit, et per sententiam diffinitivam decanatum suum recuperavit.*—Gervase, II. 252.

⁵ Qui erat Anglicus et invidens Burgundis, pro suo libito voluntatis spoliavit dictum Petrum et plures alios predictis prebenda et ecclesia et domibus suis.—*Reg. Swinf.*, 264.

⁶ When Emeric died, in 1290, Dean John, his brother and executor, had to obtain from the pope a mandate to the bishop to excommunicate "the sons of iniquity," i.e. the anti-Burgundian canons, who *temere occultant ac occulte detinere presumunt* the goods of the deceased.—Capes, 161.

prebend of Preston from Peter de Langon, and gave it to Thomas de Cantilupe. Upon this Langon commenced a suit in the court of Rome for damages and reinstatement. He complained, not merely of deprivation, but also of the manner of it. For Roger of Bosbury, the bishop's penitentiary, in full choir, had violently assaulted him and dragged him from his stall—an indignity which he would not have suffered for a hundred marks.¹ When Cantilupe became bishop, thus vacating the prebend, he bestowed it on Henry de Woodstock, who undertook to bear the expenses of the lawsuit²—a questionable act which cost the bishop much trouble and anxiety for the rest of his career. As was usual, in the dilatory court of Rome, the case dragged on till popes and proctors died, the holder of the prebend died, and the bishop also died. Only after sixteen tedious years did Peter de Langon, in 1291, obtain judgment, with heavy damages.³

The appeal of John de Aquablanca, in like manner, dragged on for twelve years, during which time the chapter and city were distracted by the quarrel of the rival deans, each with his fierce supporters. Spiritual curses were hurled to and fro; and the coercive jurisdiction in the dean's peculiar fell into neglect.⁴ At last in 1282 judgment in the Roman court is given in favour of Dean John.⁵

Bishop Thomas de Cantilupe—as might be inferred from

¹ *Item proponit quod idem Rogerus contra dictum magistrum Petrum irruii violenter, capiendo ipsum per pannos malo modo et injuriose, et ipsum de stallo predictae ecclesiae enormiter expellendo, cujus facti excessus tam horridi et enormis injuriae per centum marcas argenti dictus Petrus sustinuisse noluisse, set potius dictam quantitatem de suo proprio amississe.*—*Reg. Swinf.*, 260.

² *Reg. Cant.*, 18.

³ *Reg. Swinf.*, 258–68. The prebend is to be restored. Robert de Fileby, who has succeeded Henry de Woodstock as its holder, is to pay £60 for every year of occupation, and all the expenses of the suit; and the executors of Thomas de Cantilupe are to pay £60 for every year the prebend has been withheld from Langon. The successful litigant held the prebend until his death in 1299.

⁴ *Cum notorium sit et manifestum multa et varia animarum pericula inter subditos decanatus predicti contigisse et cotidie contigere, lite durante.*—*Reg. Cant.*, 115.

⁵ *Reg. Swinf.*, 321–6. It is a typical story of mediæval litigation—involving incidentally the claim of the monks of Canterbury to administer the archbishopric *sede vacante*, for which see Gervase, II. 251–2.

his readiness to accept the prebend of Preston under such questionable conditions—was whole-heartedly against the Burgundians. Bishop John had encouraged the reaction against them, but Cantilupe openly sided with the anti-alien faction in the chapter, and the feud was at its bitterest in his time. He definitely announced that he did not want exotics in his orchard,¹ and he did his best to keep them out. Thus when Humbert de Yanua, succentor of Aiguebelle, obtained by papal provision the prebend of Inkeberrow, the bishop collated to it William Rufus, and after the usual appeals to Rome managed to get the question referred to himself as arbitrator, and his decision was in favour of his own nominee.²

Bishop Swinfield, though probably sympathizing with his predecessor's feelings as to the intruded Burgundian element in the chapter, had nothing of Cantilupe's taste for litigation. He repeatedly suggested to his agents at Rome to come to terms, if possible, with Peter de Langon, whose case was a heavy burden on his first eight years as bishop, involving even occasional borrowing of money. Another of the Savoyards, Pontius de Cors, well-nigh plunged him into a new lawsuit. Collated to a prebendal portion of Bromyard long ago by Bishop Peter, Pontius had waited many years for a Hereford prebend, to which he had secretly obtained a papal provision. At last, on May 14, 1290, Hugh, the holder of the prebend, died, and early on the morning of the 18th Pontius, in defiance of well-established usage, had himself privately installed by a Burgundian canon. Later in the day, being ordered to yield up the stall, *sibi sociavit armatos, et dictum stallum usque in crastinum taliter custodivit*. Then, his armed retainers still apparently overbearing all resistance, he entered the chapter and was invested *quo ad spiritualia per librum et quo ad temporalia per panem*; he even took the usual oath to observe the customs of the church, which customs he was so flagrantly disregarding. The bishop, when Canon Hugh died, was at Wigmore. Receiving next day the news of his death, and suspecting a Savoyard provisor, he had at

¹ Arborem enim peregrinam vel non fructificantem non libenter in orto nostro, nisi inviti, sicut nec condecet plantaremus.—*Reg. Cant.*, 249.

² *Reg. Cant.*, 84-7.

once collated John de Selling to the prebend, and three days later came the news of the installation of Pontius. In face of so insolent a defiance Cantilupe would have plunged into strife. But Swinfield, first exacting an unconditional submission, collated Pontius to the prebend, and found other preferment for John de Selling.¹

This is the last of the serious troubles with the Burgundians, who were now gradually dying off, or receiving preferment abroad. At last only the dean remained, a very aged man ; and dying in 1320, was buried, as he wished, beside his uncle's empty tomb.²

¹ *Reg. Swinf.*, 244, 248.

² His will is printed in *Capes*, 186.

NOTE L

THE COMING OF THE FRIARS TO HEREFORD

EXACTLY when the Grey Friars settled in Hereford is uncertain, but Pope Innocent IV, writing in 1250, speaks of their *grande collegium* as already a recognized institution in the city, which shared with Oxford, Cambridge, and Bristol the distinction of having a Franciscan reader in theology.¹ They lived among the townsfolk and clergy in a peace and harmony which was never disturbed. When, however, the Dominicans tried also to obtain a lodgment in the city, the ecclesiastical authorities—bishop, chapter, and the clergy of the city—objected strongly, and stayed the building of church and convent outside the walls by threats of excommunication against any workmen who assisted. The friars thereupon obtained the appointment of the archdeacon of Worcester and the treasurer of Lichfield as papal delegates to inquire into their claims; but the chapter protested and carried the case to the pope direct. In 1250 Innocent (who could not lightly disregard an appeal supported by his useful agent, Bishop Peter de Aquablanca) peremptorily warned the Black Friars that they must not seek to settle in the town against the wishes of the clergy, who depended largely for their sustenance upon oblations, mortuaries, and legacies. What with the minors and the hospitals, and a multitude of indigent folk, the citizens could support no more. The priors of Llanthony prima and Leominster are instructed to see that the pope's command is strictly carried out.² The Black Friars, however, with the stiff-necked self-assertion they showed in their relations with the university authorities of Paris and Oxford, simply went on with their building—or, rather, purchased a plot of land within the city itself, in All Saints' parish, and there were raising a chapel and

¹ In civitate predicta magister theologicæ facultatis continue legens.—*Capes*, 86.

² *Capes*, 85.

other buildings when, in 1254, the canons and their friends, with Ancelin the dean, Giles the ex-dean, and James de Aquablanca, the archdeacon of Salop, at their head, appeared by night in force, ejected the friars, and pulled down the unfinished work. Upon this the pope instructed Walter Cantilupe, bishop of Worcester, to inquire into the matter.¹ But Innocent dying soon afterwards, his successor, Alexander IV, at once issued a new warning to the pertinacious friars not to insist on forcing a settlement in Hereford.² This was in 1255, and for four or five years a case dragged on in the Court of Arches. But in 1260, by some means not explained, the friars persuaded Pope Alexander to reverse his decision, and he instructed the bishop of Worcester to prohibit the dean and chapter from taking action against the friars.³ Bishop Peter and the canons refused to recognise Bishop Walter's authority, and appealed again to Rome. Then Alexander died, and Urban IV, in a lengthy letter, reviews the history of the dispute, and authorizes the archdeacon of Llandaff to decide it.⁴ It was not decided, however; for, though our records fail us here, we find from a compotus roll of 1273 that the dean and chapter have spent some three hundred pounds of present value on the suit at Rome, which is still dragging on. In 1279 both sides agreed to accept Bishop Thomas Cantilupe as arbitrator, and he cites the Provincial Prior of the Dominicans to appear before him.⁵ And then again we lose sight of the case. Leland's story⁶ that Bishop Thomas allowed the friars to build an oratory in the Portfield, but afterwards removed them to the Widemarsh suburb, where Sir John Daniel gave them ground on which to build, rests upon no documentary evidence that can now be found, and does not well agree with such facts as we know.

When next we have authentic evidence, the friars have secured the help of Edward II and Queen Isabella, at whose entreaty in 1322 the dean and chapter rented to them certain premises in Frog Lane and Widemarsh Street, on condition that they do nothing to the prejudice of the rights of the chapter, and that if anyone in the deanery should

¹ Capes, 104, 106.

³ *Ibid.*, 112.

⁵ *Reg. Cant.*, 232.

² *Ibid.*, 107.

⁴ *Ibid.*, 116.

⁶ *Itin.*, ed. L. Toulmin Smith, V. 160.

bequeath to them his body for interment, they will hand it over, with all the profits that may accrue, to the authorities of the cathedral church.¹ Even then disputes were not at an end. The canons are soon protesting to the king that the friars are obstructing the right of way of their tenants in Frog Lane; and in 1338 the chapter recovered one-fourth of a legacy left to the Dominicans.² In 1351, however, the friars obtained papal exemption from the jurisdiction of any ordinary, and of the bishop of Hereford in particular.

¹ Capes, 197.

Ibid., 221.

NOTE M

THE HEREFORD "USE"

It is impossible, in a short note, to deal adequately with the Hereford "Use"; but some account of it is necessary in any history of the cathedral church. The Use of Sarum—if indeed it was compiled by Osmund—is probably the oldest of the three chief Uses. But its widespread popularity dates only from the episcopate of Richard le Poore (1215-42), when the Uses of York and Hereford were already winning their way, the one in the north, the other in the West Midlands and Wales. Even a sketch of the countless variations between the three Uses would be beyond the scope of this note. But attention may be drawn to a few broad lines of distinction.

The Hereford Use, like the other English Uses, is simply the old Roman Use with local modifications, Continental and English. For the Roman Use was first extended to the various regions—France, Flanders, the Rhine-land, etc.—which became the realm of Charlemagne, and thence various copies were brought over for the English dioceses. The Roman mode, therefore, reached England as adapted to its various Continental localities, by additions, chiefly Gelasian, and with local saints added there—the details varying probably in each copy. To these the English dioceses gradually added their own local and national saints, with a constant enrichment of hymns, lessons, collects, etc. As each diocese arranged these for itself, the result varies in detail, though little in principle. The York and Hereford Uses are chiefly Gregorian, but mixed with other Roman and Western prayers. The Sarum Use went further, substituting a number of mediæval prayers, probably composed for it or borrowed from France. (These changes chiefly affect the secrets and post-communions, which, being unheard by the people, only mattered to the officiant.)

As to local saints—these at Hereford were at first added

very scantily. St. Ethelbert was long the only strictly local saint, though names from neighbouring dioceses or abbeys were slightly commemorated, with some famous English worthies, provided, where possible, with lessons from Bede, and sometimes with their own collects. The oldest Hereford book would seem to have had little more of special matter than the full musical service of St. Ethelbert. But the Use was revised and enlarged by two Hereford bishops at least—Trilleck and Trefnant. Unfortunately no complete account remains of either revision. And possibly many copyists revised it at their own discretion; for the few remaining copies vary almost as much between themselves as from other Uses.¹

The documents concerning the authorship and authorization of the services for St. Raphael's Day² are of special interest, as showing, with unusual clearness, what was the legitimate procedure in appointing new services; and also because they are the only instance in which the actual authorship and appointment of any Hereford service has been recorded.

In the Ordinary and Common of the Mass—studiously guarded as they were from the earliest times against alterations, additions, or omissions—there is little variation to be noted between the Uses beyond slight changes of wording and small differences of arrangement.³ Nor is there much divergence between the three rites as regards the use of the Psalter. There was considerable freedom in the choice of epistles and gospels, though the Uses were in

¹ Most of the service-books of the Use at the cathedral church seem to have been destroyed when the Sarum Use was introduced, not long before the issue of the First English Prayer Book. The Breviary now in the Cathedral Library, originally a cathedral book, had passed to Mordiford Church, and thence into private hands; and it was bought back by the dean and chapter in 1834. A later MS. Breviary, and a copy of the printed Breviary, are in the Worcester Cathedral Library. One Missal belonged formerly to Whitchurch; and another also exists, besides the printed Missal. And a few lesser service-books, in a fragmentary condition, are known.

² *Reg. Spofford*, pp. x-xi, 267-79.

³ Thus at Hereford the epistle was read by the subdeacon *super lectrinum in medio chori*; and the gospel *a diacono converso ad partem borealem, ut per Dei verbum aquilonis, hoc est, daemonis, pravi noxique halitus disjiciantur*.

general agreement. Hereford, however, has more of gospel and homily than either of the other two churches. Each has a different gospel for the first Sunday in Advent ; and all three Uses had, throughout the year, special epistles and gospels for Wednesday and Friday, in further illustration of the Sunday subject.

Of sequences Sarum had 94, Hereford 79, and York 172. In hymns Hereford is richer than Sarum, but not so rich as York. Hereford has all the old traditional hymns, but adds others adopted from various sources, and some composed locally in honour of local saints. The Hereford use seems to show a predilection for the enrichment of feasts of women—Lucy, Katherine, Mary Magdalene, Anne, Milburga (of Wenlock), etc.

In the Kalendar, owing to the celebration of purely local festivals, there are considerable differences—and this, of course, involves certain differences in the Legends and Histories. Sarum throughout gives a larger place to the *Legenda* than does Hereford or York. At Hereford, indeed, the lessons from Scripture consist sometimes of only a few verses. As regards Collects, there is far greater variety than in the musical parts of the services—hymns, antiphons, and responds. The Hereford Breviary contains 134 collects not to be found in either the Use of Sarum or that of York.

Speaking generally, the variations between the Uses, though many in number, do not, as a rule, involve points of great consequence. Yet to those familiar with one or the other Use, the differences seemed of real importance. Thus the Hereford rubric, in one place, speaks almost contemptuously of Sarum : *Nec omnino, ut fingunt Saris-burienses*, etc. And the Hereford Use evidently had a strong hold over those who were familiar with it. This is seen in an indult granted in 1413 to Richard Kyngeston, dean of St. George's Chapel, Windsor. Having been arch-deacon of Hereford for twenty-five years, he had been accustomed to observe the Hereford Use, and is allowed to continue the practice for life, although he held a prebend in the Church of Sarum. So too the canons of Aiguebelle, writing to the bishop of Hereford in 1533, say that for nearly 300 years they have clung to the Hereford Use, though their bishop resents their adhesion to it, and will only help them

in their dire need if they give it up, which they will not do (see p. 54, note).¹

¹ Those who wish to go further into this subject are referred to Maskell's *Ancient Liturgy of the Church of England* (which prints the Ordinary and Canon of the Mass in the three Uses side by side) and to the *Hereford Breviary*, edited for the Henry Bradshaw Society by W. H. Frere and Langton E. G. Brown. A valuable comparison of the Holy Week Rites of Hereford and Rouen—suggesting that Rouen observances were introduced at Hereford and not at Sarum—will be found in Edmund Bishop, *Liturgica Historica*, pp. 276–300.

NOTE N

RESIDENCE

THE question of residence—or rather the relation of non-residentiary canons to the residentiaries—at secular cathedrals was everywhere the occasion of difficulties and disputes.

At St. Paul's the ancient rule is simple.¹ When a prebendary desired to become a residentiary, he attended the chapter on the vigil of Michaelmas, Christmas, Easter, or the Nativity of St. John the Baptist, *et protestatus est se velle residere*. Then entering upon his duties in the choir, he might only be absent six days in his first quarter, and three weeks and six days in each succeeding quarter; if he exceeded this term, he lost his share of the dividend. The prebends were of sufficient value to make it a matter of indifference whether the canons added such increase of income as was afforded by residence; and for the most part they left the burdensome duty of attendance to their ill-paid vicars. Gradually, however, owing to the great increase (from oblations, obits, and other sources) of the *domus*, or common fund, shared out to the residentiaries, the burden became an enviable privilege; and there was a rush of the thirty canons to become residentiaries. Hence the attempts to discourage residence by requiring from the new residentiary in his first year costly entertainments and feasting,² involving an expenditure of seven or eight hundred marks. This abuse became so flagrant that in 1392 Pope Boniface IX limited the expenses of first residence to three hundred marks. Even so, the residentiaries thenceforward were few—in 1417 there were five, in 1520 six.

At Sarum, by the *Institutio*, *canonicos nihil potest excusare quin et ipsi residentes sint in ecclesia Sarum, nisi*

¹ *Statutes of Baldock and Lisieux*, III. 2-3. Residentiaries at St. Paul's were called *stationarii* (*ibid.*, III. 3) or *stagiarii* (*ibid.*, VI. 5), from *stagma*, "a domicile," hence "continuous residence."

causa scholarum vel servitium domini regis.¹ Yet Richard Poore (not yet bishop, but dean) in the *Nova Constitutio* of 1214 is driven to insist that at least the *quattuor personae* and one-fourth of the number of canons should be in continual residence ; and that those not residing should forfeit to the residentiaries one-fifth of the income of their prebends.² This would seem to have been the custom for centuries ; and we find at Sarum nothing of the struggles between residentiaries and non-residentiaries so frequent elsewhere. In 1500 the residentiaries, having lost most of their oblations, etc., were compelled to reduce their number to seven. In 1633 the number was definitely fixed at six.

At Lincoln non-residentiaries contributed to the residentiaries one-seventh of the estimated yearly income of their prebends ; this was called "paying septism." If a prebendary wished to become a canon residentiary, he made "protestation of major residence" at the chapter before the Feast of the Exaltation of the Cross (Sept. 14), which was the beginning of the financial year at Lincoln. He then invited the chapter to partake of his bread with him at his lodgings in the close, on such and such a day, "for the love of God and for charity." There does not seem to have been any costly entertainment.³ Residence was for thirty-four weeks and five days, or two-thirds of the year. After keeping "major residence" for three consecutive years, the new residentiary might enter on "minor residence" of seventeen weeks, or one-third of the year. The number of residentiaries in different years seems to have varied considerably. In the second half of the thirteenth century there were from ten to sixteen, in the fifteenth century rarely more than seven.

At Wells there was the curious institution of "the rib," by which the bishop assigned a canonical house to any of the canons, as he pleased. This carried with it an option of residence ; and the state of things became very much as at St. Paul's—a rush of canons to reside, and all kinds of devices on the part of the residentiaries to hinder residence.⁴ The entertaining of members of the foundation cost about two hundred marks. The pope in 1400 forbade

¹ *Reg. Os.*, I. 18.

² *Ibid.*, I. 375.

³ *Black Book*, p. 74.

⁴ E. A. Freeman, *Hist. of Cath. Ch. of Wells*, pp. 91 sqq.

this custom to continue, and instead of it ordered each canon who *palam et publice* protested his residence to pay one hundred marks to the fabric. But this did not effectually stay the abuse, which survived even until the feasting included the wives of the canons! In 1331 there were as many as fifteen residentiaries,¹ but this would seem to have been the maximum. In 1505 only six were present at a meeting of the chapter; and the scribe has added, in the *Act Book*, the note *Septem Canonici, uti credo, faciunt capitulum*. In 1506 a member of the chapter is admitted to residence after he had been for some time dean.

At York the dean could, on his own initiative, invite a canon to reside. But the expense of hospitality, in the first year of residence, is said to have been as much as a thousand marks.² Whether because of this, or for some other reason, the residentiaries at York were always few. In 1539 there was only one. In that year new Statutes were framed, which provided that a canon might protest his residence without any obligation of costly entertainment.³

At Exeter in early days *in potestate cujuslibet est residere vel non residere*. Later the four dignitaries, the four archdeacons, and eight simple canons were the residentiaries. In 1561 it was decreed that only nine canons should be residentiaries, among whom the four dignitaries were to be preferred. These residentiaries formed the chapter; and on a vacancy occurring in their number, they called up by vote one of the non-residentary canons.

At Chichester, to become a residentiary, a canon was required to pay twenty-five marks to the dean and chapter, and twenty-five to the fabric; to be present, for a whole year, at all "the hours" (if he misses one "hour," day or night, *suam recipiet residentiam*); to feed every day at his table seven ministers of the church; and to give a feast to all the ministers and to others from all parts of Sussex. (This last regulation was in force until 1870.)

At Lichfield, where there were twenty-one canons, five were always to be in residence. Those who were unwilling to take their turn assigned one-fifth of their prebend *ea*

¹ Reynolds, p. 130.

² *Dioc. Hist.*, p. 289.

³ Dugdale, VIII. 1200.

occasione in communam. But all canons were required to be present at the four principal festivals *sine contradictione*.

At Hereford it is clear from the compotus rolls that, till the end of the thirteenth century, continuous residence was the rule. Only the dignitaries and the two abbots had deputies; for the few additional vicars were not, as at other churches, the vicars of canons, but the vicars of the church, ready to take the place of any canon who might be temporarily absent, at his prebendal church, or at the university, or on pilgrimage. That some canons, however, were already definitely non-resident as early as 1246 is shown by an order of Pope Innocent IV that only residents should receive commons.¹ Yet we find that in 1296 more than twenty out of the twenty-eight canons resided throughout the year—presumably with the sixteen weeks' grace allowed by the *Consuetudines*. There were in the close *plures domus canonicales*, which as early as 1321 were *ruinis expositae et per negligentiam desolatae*.²

These houses were always assigned to canons by the bishop, and his janitor inducted to them.³ The revenues of Hereford were always small, and the commons and mass-pence, even when supplemented by fifty or more obit-distributions, were not sufficient to attract those who had homes or work elsewhere. Yet until the middle of the fourteenth century, at least fourteen or fifteen canons seem usually to have been in residence.⁴ But after the Black Death the income of the chapter was reduced by almost one-half; and in spite of attempts at financial rearrangement, only five farthings were given for each attendance at Matins instead of the fourpence of earlier days. From

¹ Capes, p. 80.

² *Reg. Orleton*, p. 200.

³ The canonical houses at Hereford are still legally vested in the bishop; and his janitor inducted to them until the end of the eighteenth century.

⁴ The *Consuetudines* required that a new canon should be asked whether he offered residence or not. If he did, he could after residing three years obtain two years' leave of absence *causa studii*, *si doctus sit et spes fuerit de eo quod proficiat in studio*. Bishop Spoford in 1423 asks the chapter to allow a new canon, *solutis pecuniis consuetis stisque conviviis*, to attend *ut unus de meis consiliariis*, after forty days of residence, *tempore triennali requisito non obstante*.—Spof., *Reg.*, p. 32.

that time there were rarely more than eight canons in the precincts.

In 1372 it was brought to the notice of Pope Gregory XI that "at Hereford and in many other cathedral churches" there was *quaedam consuetudo quae potius dicenda est corruptela*, that no canon should be accepted as a residentiary until for forty days continuously he had feasted the other canons and the vicars—at a cost as a rule of one hundred pounds sterling. The pope therefore forbids this custom to continue, under pain of excommunication. That it did continue, however, is shown by the fact that Bishop Bothe enters this inhibition in his register, one hundred and fifty years later.¹

In 1513 the residentiaries made a statute (*non propter cupiditatem vel propter constituentium singulare commodum, sed propter evidentem ecclesiae necessitatem*) that none should be admitted into residence who had not land or other means sufficient to continue hospitality as a residentiary should. Four years later Hugh Grene attempted to come into residence, alleging that the statute had been passed by the residentiaries alone, the other canons not having been summoned to the meeting. The residentiaries replied that *nisi in electione prelati et cessatione a divinis non sunt vocandi absentes*. The matter was referred to the bishop²; but his decision is not known. It may perhaps be inferred from the entry in his register mentioned above. But it was only in 1781 that the chapter decreed "that the public dinners and entertainments for forty days by a new residentiary shall not henceforth be given."

By 1535 the residentiaries had become a close corporation of seven, filling up its vacancies from the prebendaries by a sort of family arrangement.³ By the Elizabethan Statutes the number of residentiaries was definitely fixed at six. In 1593 the new dean offered his hundred marks to become a residentiary. But the chapter refused, on the ground that the new Statutes had fixed six only as the residentiaries, and that number was complete. In the

¹ Bothe, *Reg.*, p. 252. He also enters the complaint to the synod of the province of Canterbury *contra pecuniam et convivia exacta a canonicis*.—*Ibid.*, p. 256. Wilkins, *Conc.*, III. 747.

² Bothe, *Reg.*, p. 29.

³ In that year, of the seven canons, three had the same surname.

Caroline Statutes, to avoid this difficulty, it is provided that the dean henceforth shall be *ex officio* a residentiary. After the Restoration there were again six in the close chapter, each in residence for two months only. The hebdomadary was scarcely allowed to leave the precincts. And, as late as the mid-nineteenth century, entries in the *Act Book* show the canon-in-residence formally asking leave from the chapter to ride outside the city for a few hours, to take the exercise he needed.

NOTE O

COMMONS

DU CANGE defines *communa* as: *Bona quae in commune possidentur a canonicis ecclesiae alicujus cathedralis; vel quicquid ex iisdem bonis ac proventibus in commune iisdem distribuitur.* At Hereford this common fund was always somewhat meagre. It consisted of the produce of the four chief manors of the chapter, Preston, Woolhope, Norton, and Pyon, with certain charges on parochial churches in the patronage of the chapter. In the thirteenth century the whole income of some of these churches was, with the consent of the ordinary, appropriated to the chapter, subject to such payments as the bishop might determine for the maintenance of a vicar.¹ The distribution of the fund is explained in much detail in the *Consuetudines*.²

The economic arrangements of the chapter were complicated by many minute details prescribing the exact amount of each kind of corn to be supplied from the chapter manors, from episcopal demesnes, and from some of the more valuable prebends, for assignment in different ways—to the canons generally, to the canons in residence, to the canons' bakehouse, to the vicars choral, to various officials, and to the poor, to be delivered at different times and under varying conditions. (The survivals of these complicated rules still trouble the chapter in adjusting the accounts at the annual audit.) This common fund was of

¹ As early as 1195 the abbot of Corneilles assigned to the canons of Hereford "our church of Marden" *ut defectus panis quotidiani et cervisiae, qui in communa Herefordensi hactenus extitisse dinoscitur, suppleatur.* See p. 133.

² See p. 59. John de Ross, proctor at the papal court, negotiating for the canonization of Cantilupe, claimed that, as chaplain to a cardinal, he should receive all the commons as if in residence. This was resisted by the chapter, and after much litigation sentence was given in their favour in 1324. Bishop Bouchers in 1451 successfully asserted his right as bishop to have loaves from the canons' bakehouse whenever he attended Matins at the cathedral church.—Bouchers, *Rég.*, p. 16.

course independent of the separate estates held by each of the prebendaries—which at the end of the thirteenth century varied in value from nineteen pounds to two pence (the value of a truss of hay, which constituted the prebend of Pratum minus).

At St. Paul's there was a daily distribution of thirteen pence. The shares of absentees were divided among those present, except that one penny of each thirteen pence was given to him who named the absentee—*quare residentes diligenter notent eos qui abfuerint*, remarks the scribe.

At Sarum the residentiaries received forty shillings a year, each of the *quattuor personae* taking twice this amount.

At Lincoln those only received commons who were resident or absent on chapter business. Originally eight-pence, the distribution was raised towards the end of the thirteenth century to twelve pence. The dean and other dignitaries only received the same amount as the rest.

At Wells a canon forfeited his daily distributions unless he attended either Matins, Prime, Mass, or Vespers, excepting the two days of grace in each week.

At York no one received commons until he had kept residence *corporaliter* for at least half a year. Residentiaries present at Matins received sixpence each day; on feasts of nine lections twelve pence; on double feasts two shillings.

At Exeter each of the twenty-four canons, *sive presentes sive absentes*, received four pounds a year, paid quarterly. Then the quotidians (of *tres panes* and so many pence a day, varying according to the nature of the feast) and other necessary expenses were defrayed. After these *onera incumbencia* had been discharged, the residue was divided among those who had kept residence in proportion to the period of their residence. (Bishop Bronscombe in 1275 ordered that the canons must apply for their commons, *et qui panem diurnum quaerere neglexerit, amittat eo die.*)

At Chichester, by the Statute of 1197, all the canons are to receive the bread of St. Hilary. The rest of the common capitular income was to be in the hands of the treasurer and two canons, who every week were to distribute twelve pence to those who had attended church throughout the week, and *pro rata temporis* to those who had attended

occasionally. The balance at the year's end was divided among the residentiaries.

At Lichfield each residentiary received twelve pence a day ; and on double feasts two shillings ; and on the four principal feasts (Christmas, St. Chad, Easter, and Assumption) ten shillings.

In the churches of France the arrangements as to commons were much the same as in England. Thus at Bayeux commons were only given to those assisting at Matins ; and in 1198 it was enjoined that they must assist from beginning to end of the service. At Coutances there was a daily distribution of bread to those present at Matins ; and at a chapter held every Friday each canon present received twelve pence ; at the annual general chapter twenty shillings. In Notre-Dame de Paris every canon present throughout at any three of the canonical hours received each day four pence, the dean and cantor taking double. On nineteen festivals they received also *stationes*, i.e. distributions of food—pork, beef, mutton, fowl, bread, cakes, and wine. At Le Mans, if a canon did not keep eight months of residence, he received only ten shillings a year.

NOTE P

THE DIGNITARIES OF THE CHURCH

NORMALLY, in an English cathedral church, the dignitaries were the *quattuor personae*: dean, precentor, chancellor, treasurer—in that order of precedence, as at Bayeux. The stalls of the dean and precentor were the first to the right and left as one entered the choir; those of the chancellor and treasurer the most easterly on the right and left. This was the rule at Sarum, York, Lincoln, Chichester, Lichfield, and Exeter. At Hereford¹ and Wells the treasurer took precedence of the chancellor, and had the most easterly stall on the *decani* side. At Lincoln in 1547, when the inquisition was made into the revenues of the cathedrals, the treasurer cast away his keys of office, and *abrepto omni ecclesiae thesauro, desinit thesaurarii munus*, nor has it ever been restored. At York, too, the office of treasurer was abolished in the same year, and for the same reason. At St. Paul's—probably under the influence of the Rule of St. Chrodegang—a position of unusual importance is given to the archdeacons. The archdeacon of London takes the place of the precentor in the first stall on the left; the three other archdeacons come next in order of precedence; then the treasurer, precentor, and chancellor.

In Continental churches there was considerable variety in the order of cathedral dignitaries. At Bayeux the order was that adopted in England. At Rouen the treasurer came next after the cantor, then the six archdeacons, and last the chancellor. At Avranches the order was dean, cantor, treasurer, scholasticus. At Evreux it was dean, three archdeacons, treasurer, and penitentiary. Seez had for dignitaries prepositus, cantor, five archdeacons, and penitentiary; Lisieux had dean, cantor, treasurer, capicerius, magister scholarum, and four archdeacons. Coutances had no dean, but cantor, four archdeacons, scholasticus, treasurer, and penitentiary. Notre-Dame de Paris

¹ This further helps to show the independence of Hereford from the Sarum-Lincoln-York tradition, derived directly from Bayeux.

had dean, cantor, three archdeacons, succentor, chancellor, and penitentiary. Amiens had ten dignitaries—dean, provost, chancellor, two archdeacons, precentor, chanter, magister scholarum, penitentiary, and treasurer. At Chartres there were no less than seventeen dignitaries, of whom the chief were dean, subdean, precentor, succentor, grand-archdeacon, five other archdeacons, camerarius, and chancellor.

Bayonne is an example of an entirely different constitution. A *mémoire* of about 1640 in date says: "En l'église cathédrale Notre-Dame de Bayonne, il y a ung évesque et douze chanoines sans aucune dignitté. Les chanoines, vacation par mort ou aultrement advenant, sont eslectives par l'évesque et par les chanoines conjointement. L'évesque préside et a sa voix eslective seulement comme un des chanoines."—V. Dubarat, *Le Missel de Bayonne*, p. cxlvi.¹

¹ At Bayonne usually the grants are made "to the church," or "to the bishop and chapter." But one grant of tithes in 1256 is made *canonicis Baione sine episcopo*.—*Livre d'or*, 151.

NOTE Q

THE COLLEGE OF VICARS CHORAL

It is uncertain whether vicars choral existed at Hereford before 1237. In or about that year Bishop Ralph of Maidstone granted to the chapter the church of Diddlebury, out of the revenues of which twenty marks were to provide the stipends of six vicars in the cathedral church, two in full orders, two deacons, and two sub-deacons. Their duties are thus described: *Quod dicti sex vicarii continue horis et matutinis . . . intersint . . . et quod infra annum, antiphonarium sciant et psalterium corde tenus*.¹ This requirement is repeated almost verbally in the *Consuetudines*, where the number of vicars is given as fourteen.²

In 1327 Johanna de Bohun gave to the chapter the advowson of Lugwardine (with its dependent chapelries of Llangarron, Hentland, and St. Weonards). Out of this new revenue were to be provided eight chaplains and two deacons *ministraturi horas canonicas, nocturnas pariter et diurnas, in choro, et missam virginis cotidie*; while to the vicars *antiquitus in eadem ecclesia preordinati et pre-existent* an annual augmentation was to be paid *in recompensationem diminucionis antiquorum reddituum et porcionum*. In this document for the first time the vicars are given permanent status as *vicarii perpetui*; and the custos of the Lady Chapel is appointed to administer the fund. These *vicarii perpetui* were accepted by the bishop for ordination on the presentation of the dean, and were ordained without examination.

In 1384 certain of the vicars obtained from the king a licence, *quantum in ipso est*, to appropriate to the vicars the church of Westbury, since their means of support were so insufficient that they were obliged to do fieldwork to eke out their scanty pay (*ruralibus operibus pro victu suo quaerendo vacare*). The legality of this and other grants seems to have been disputed, on the ground that, not being a corporation, they could not hold property;

¹ Capes, p. 74.

² See p. 65.

and ten years later the question was definitely raised and settled, the vicars obtaining status as a college under a charter of King Richard II, dated September 6, 1395. From this document we learn that *de antiqua ordinacione* the vicars are twenty-seven in number; that they already possess a habitation, together with laws and revenues, some of which they have held *a tempore cujus contrarii memoria hominum non existit*; but it is doubtful whether, unincorporated, they are *habiles et capaces* of holding property. The king therefore grants them the form and title of *Collegium vicariorum in choro ecclesie Herefordensis*; and one of their members is to be elected *custos*, Walter Thorleston being appointed as the first. They are to have a common seal, and as a corporation are to be able to acquire and hold property.

It would seem that each vicar—or at least some of them—still had his own separate estate. For in 1398 (or two years after this incorporation) we have a reference to *terra vicarie domini Rogeri Fraunceys, vicarii chori*. In many charters of and after this date we find mentioned the *habitacio vicariorum chori in vico Castri*. This stood where now are the offices of the chapter clerks; and built into the present house are some portions of the original chapel and common-room.

Nearly eighty years after their incorporation, the vicars found their dwelling "so distant from the church that, through fear of evil-doers and the inclemency of the weather, many of them cannot go to the church at midnight to celebrate divine service." On October 18, 1472, a licence was obtained from the king for the alienation in mortmain by Bishop John Stanbury, to Richard Gardener (called here the warden, not *custos*) and the vicars, of the canonical house of the late Canon John Greene, and a vacant plot on which had stood the canonical mansion of the late Canon Reginald Wolston. From early times the bishop had claimed and exercised control of all the canonical houses; and now he gave to the vicars, not, as is commonly asserted, two acres of his garden, but two of the canonical houses, rightfully the property of the chapter. On the site thus granted the present building of the college was erected, the work being completed in about three years from 1472.

In 1534 there were still, as at the incorporation, a custos and twenty-six vicars. Under Elizabeth, on March 26, 1583, a royal charter confirmed the vicars in their lands, possessions, and rights as a corporation. In 1637, under royal authority, there was issued to the cathedral the revised body of Statutes by which we are still governed. By these Statutes the number of vicars was fixed at twelve, with another allowed *si decimus tertius vicarius aliquando assumendus esse videbitur*; there were also to be four sub-canons. It was only in the nineteenth century that the number of vicars was reduced, first to six and then to four, lay clerks being paid by the College to sing in the services and anthems instead of the vicars. The vicars' common table continued to exist until the middle of the nineteenth century; and the college is still a corporation, entirely independent of the chapter.

NOTE R

THE HEREFORD MIRACLES

THE miracles recorded in the "Lives" of the mediæval saints are for the most part vaguely described and poorly attested. But of the miracles said to have been wrought at the tomb of St. Thomas of Hereford we have existing an official account, drawn up by six trained lawyers after investigation made by the papal commissioners appointed to inquire into the life and miracles of Bishop Thomas de Cantilupe. Two of the Commissioners, Ralph Baldock, bishop of London, and the bishop of Mende, came to Hereford on August 30, 1307, and stayed there until November 16, *omni die ex industria intuentes ecclesiam*. There in the north transept, night and day, stood, knelt, or lay, the sick and infirm, the blind, the deaf, and the halt, "waiting to receive miraculously the benefit of health by the merits of St. Thomas." And all around were the offerings of those who had been cured, or perhaps of those who hoped for a cure (though, in most of the stories, they seem only to have vowed to make the offering, but to have deferred payment until the saint had performed his part of the bargain). The commissioners made a careful inventory of these offerings as follows:

- 170 ships in silver.
- 41 ships in wax.
- 129 images of men, or of their limbs, in silver.
- 1,424 images of men, or of their limbs,¹ in wax.
- 77 figures of animals and birds of divers species.
- 108 crutches.
- 3 vehicles in wood.
- 1 vehicle in wax.
- 97 nightgowns.²
- 116 gold and silver rings and brooches.
- 38 garments of gold-thread and silk.

¹ Eyes and ears in wax were not counted, *prae multitudine eorumdem*.

² Camisiae permultorum miraculose (ut dicebatur) progenitorum ab iis qui liberos habere primo nequiverunt.

There were, in addition, many lances and arrows with which men had been wounded and miraculously cured, and some chains and anchors of ships. The amount of wax, made into candles, and offered at the tomb by pilgrims from all parts, was, say the commissioners, enormous.¹ Further, the commissioners state that out of the offerings in money at the tomb *fuere cathedralis ecclesia de duabus navibus ampliata, et fabricatum in parte maximum campanile.*

The commissioners now proceeded to the examination of witnesses, beginning, on September 10, with Bishop Swinfield himself. For their instructions were, first of all, to cross-question the bishop, the canons, and other officials of the cathedral *si circa ipsa signa vel miracula fuissent per eos vel quoscumque alios ex quocumque ingenio aliqua conficta vel etiam machinata.* After careful inquiry, however, they found nothing *quod sinistram posset suspicionem inducere.* Next, they were instructed to question closely those who had been cured, and eye-witnesses of the cures, and, in especial, to find out *si incantationes vel superstitiones vel fraudes aliquae intervenerunt.* They were to have absolute proof that the alleged infirmity was real and of long standing, and that the presumed blind, deaf, or lame person *non confinxisset aliquid propter mendicitatem vel quaestum.* They were also carefully to note *quo anno, mense, die, loco et quibus praesentibus dicta miracula facta sunt.*

The witnesses were examined in the chapel of St. Katherine, adjoining the cathedral. Many of these witnesses could speak *nec litteraliter* (i.e. *Latine*) *nec Gallice.* For their evidence, given in English or Welsh, two sworn interpreters were employed. By November 12 the particulars of only seventeen miracles had been investigated, 115 witnesses to them having given evidence in fullest detail. As only one day now remained of the four months appointed by the pope for the inquiry, the details of 204 miracles which had been reduced to writing by the officials of the cathedral were simply read over, the commissioners asking Bishop Swinfield and others, after each recital, to

¹ We gather from the *Taxatio ecclesiastica* that in the year 1294, i.e. the seventh year after the miracles began to be worked, the surplus wax, after providing for the lights which were perpetually burning round the tomb, was worth £20.

swear that they had investigated the case, and believed it to be genuine. As half a day still remained, 44 witnesses *fuereunt summarie recepti et examinati super duodecim miraculis*. Then the commissioners had ended their long task, although they say, *plures alios testes ad alia miracula comprobanda habebat dictus Procurator in promptu*.

The seventeen miracles thus thoroughly investigated, which Pope John XXII in the Bull of Canonization declares to be *fidelibus probata testimoniis*, are these which follow.¹

1. Agnes della Hulle, cured of paralysis of the right side, on the Friday in Whitweek, 1286.

[Probably a case of hysteria. She had tried the church at Leintwardine, where she had heard that cures were being performed, but the rector had roughly sent her away. Her cure was strikingly gradual. After fifteen days and nights spent at the tomb there was no result; during the next fifteen days there was a steady improvement; then, for three months, she walked with two sticks, after which she was perfectly well. The cathedral officials, either disbelieving the miracle or, more probably, not wishing the "boom" to begin until they had translated the bones to the new tomb, did not proclaim this miracle, nor ring the bells.]²

2. Edith Oldecriste, wife of a Hereford citizen, cured of furious madness, on the Friday before Palm Sunday, 1287.

[The husband said that drink was the cause of the madness, i.e. she was suffering from *delirium tremens*. He took her "to the Holy Cross of Hereford; and then,

¹ I have added in brackets a few criticisms on the evidence such as the *Advocatus Diaboli* might have made, had he been present at Hereford.

² Every mediæval saint seems to have had a favourite method of cure. With St. Thomas of Canterbury it was the "water of St. Thomas" (and, on one occasion at least, a fraudulent supply from a neighbouring pool, brought merely to soothe the sufferer, performed the desired cure). At Hereford the recognized mode of appeal was "measuring to St. Thomas," using a thread with which a candle was made, to be offered at the tomb. Agnes della Hulle measured the tomb itself; but, in all other cases, it was the sufferer who was measured, sometimes the height being taken, sometimes the chest measurement, and, in one case, the distance from finger-tip to finger-tip when the arms were outstretched.

nescit de cujus clerici consilio, to the tomb of St. Thomas," where (the acute stage of the disease being presumably over) she recovered her reason, but was left prostrate and ill, only living four months after her "cure." The bells were rung, and this miracle was solemnly proclaimed; for the new tomb was now ready, and the bones were to be translated in a few days.]

3. Joanna, a child five years old, recovered from death by drowning at Marden, on the Sunday before St. George's Day, 1292.

[As often, in cases of drowning, the witnesses differed hopelessly as to the time the child was in the water, and no real proof was offered that she was ever dead.]

4. John Drake, an infant one and a half years old, recovered from death by drowning, at Little Marcle, on Rogation Tuesday, 1304.

[A case very similar to the one above. The child was inspected by the commissioners, who found the flesh round his eyes and nose still, after three years, *quasi viridem, croceo colore permixto*!]

5. William Lorimer, aged two and a half years, recovered from death by drowning, at New Radnor, on September 18, 1305.

[The bystanders here seem to have had more common sense than was usual on these occasions, for, after measuring the child, they took him into a house, and "trusting in St. Thomas," brought him round before a fire. The witnesses, as always, differ as to the time he was in the water, and equally as to how long it was before he came round.]¹

6. Nicholas, a boy of ten years, recovered from death by drowning in the Wye, at How Caple, on May 26, 1300.

[A case very similar to the one above. The boy was taken out of the water "with his teeth clenched" and "livid like lead"; but, being placed in a warm bed, he recovered "after the time in which a man could walk five

¹ The only measurements of time in use among the common people seem from the evidence to have been (a) the canonical hours, Prime, Vespers, etc., (b) "the time within which a man could walk a mile, two miles, a league," etc., (c) "first cock-crow," "second cock-crow," *ea hora qua gallinae ascendunt perticam ad quiescendum de nocte*, etc.

miles." He was measured, of course, to St. Thomas. But the commissioners further asked him whether he himself had called upon St. Thomas. He replied that he had opened his mouth to call upon God, but the water had entered and choked him; he could not remember whether the thought of St. Thomas or of any other saint had occurred to him.]

7. Galfred Russell, a boy one and a half years old, had his head crushed in by the wheel of a loaded wagon, drawn by four oxen—the child's parents also being in the wagon—on the Thursday in Holy Week, 1304. Measured to St. Thomas, the boy recovered.

[This is a long and strange story, and it is difficult either to disbelieve it or to rationalize it. Only the father and mother saw the child after the accident. For, "fearing to be put in prison, and to have their oxen confiscated, if the case were made public," they hid the body; but, returning often to look at it, they at length measured it to St. Thomas. Whereupon the child revived, and in three days was well. His head did not bleed after being under the wheel, but *fuit effectum tenue et oblongum, sicut res aliqua mollis, quae fuisset oppressa, sed ipse testis manibus suis contractans ipsum caput, reduxit ipsum prout melius potuit ad formam priorem*. The child, then four years old, appeared before the commissioners, who reported that his head was still oblong.]

8. Juliana Kock, of Eaton Bishop, cured of paralysis, on the Saturday before Easter, 1287.

[An undoubted case of hysteria. Brought to the tomb in a basket chair, and seeing the excited crowds (it was the second day after the bones had been translated to the north transept), and "one Philip the harper" cured, *accensa ipsa, et ducta nescit quo fervore*, she got out of her chair, walked to the tomb, and made offering.]

9. Margaret, wife of Adam of Holmer, cured of paralysis, on Ascension Day, 1287.

[Another case of hysteria. For some weeks previously (i.e. from the time when she first heard of the miracles, which began in Holy Week of that year), St. Thomas regularly appeared to her in dreams, and seemed *annuere quid volebat juvare eam*. Being measured, etc., she was cured.]

10. John of Holme Lacy, cured of a tumour on his neck, on Easter Monday, 1287.

[One would almost suspect fraud on the part of the cathedral authorities. Edith Oldecriste's case, some ten days before, had made a great stir, as one witness to this miracle testifies. Then came the translation of the bones, on Maundy Thursday, marked by several miracles not brought before the commissioners. On the Saturday Juliana Kock was cured of paralysis, as mentioned above. On Easter Day several blind received their sight, and a lame woman walked. (These miracles also were not investigated.) Next morning (Easter Monday) a great crowd assembled in the cathedral; and there, before them all, the man was exhibited, having the tumour, said to be of ten years' growth, on his neck. He placed his head *intra quoddam foramen lapideum*, and holding it there *tanto tempore quod potuisset dixisse ter orationem Dominicam cum Salutatione B. Mariæ*, he drew it out with the tumour gone. The bells were rung; they sang a solemn *Te Deum*; and then the whole crowd formed a procession singing *Benedictus Dominus Deus Israel*.]

11. A beggar-boy, about fifteen years old, dumb, and having no tongue, received a tongue, and speech in two languages, during the summer of 1287, some six months being taken up by the growth of the tongue.

[Thomas Sandi, sub-bailiff of Hereford, testified that he had suspected fraud, and had the boy well whipped "near the church of St. Nicholas."]

12. Roger Peythenyn, two and a half years old, son of a servant in Conway Castle, fell into the dry moat, on to a hard rock, 22 feet, and was killed, September 6, 1303. On the same day, while the coroner's inquest was being held, a burgess thought of measuring the child to St. Thomas, and *quasi in ictu oculi* he revived and was restored to his mother, *hilaris et gaudens, absque aliqua laesione corporis sui*.

[The witnesses to this, perhaps the best attested of the miracles, include the Lord of the Castle, burgesses of Conway, present at the inquest, with many priests and soldiers. The two coroners gave the most significant evidence, that, when they examined the body, they found *in maxilla sinistra magnum livorem*, but no other hurt. Stunned, but not killed, would be the modern verdict. The com-

missioners saw the child; and the bishop of London must have been greatly impressed by the case, since there is an entry in his Register, dated four years later, which shows that he had taken entire charge of the boy, and was providing six marks a year, that he might be educated for the priesthood by a minor canon of St. Paul's. *Reg. Baldock* (Cant. & York Soc.), p. 148.]

13. On November 2, 1307, when the commissioners were in the Chapel of St. Katherine, examining witnesses, twelve sailors arrived as pilgrims to the tomb. And they *tactis sacrosanctis Evangeliiis* testified that, on the 3rd of October, they had been saved from shipwreck by vowing a silver ship to St. Thomas.

[The story reminds one of the question of Bion, who, when shown the votive offerings of those who had been saved from shipwreck, asked, "Where is the record of those who were drowned in spite of their vows?"]

14. William ap Rees, of Swayneseye, was hanged by William de Braose, outside Swayneseye Castle, for taking part in a murderous riot, and was recovered, by the merits of St. Thomas, on the Monday after the feast of St. Martin, 1292.

[This was—as the evidence shows with quite sufficient clearness—a plan arranged to save the man's life, a plan in which Lady Mary, wife of William de Braose, herself took part, being sorry for the man. She arranged that, ostensibly for further punishment, the culprit's own relatives should carry out the hanging. Thus the men-at-arms on guard could not see *ubi nodus dictae cordae cursilis, cum qua fuit suspensus, applicaretur collo ipsius Wilelmi*. (Trahern ap Howell, *quem suspenderunt carnifices dictae villae*, at the same time and place, was not saved.) Lady Mary then begged the body from her husband, had it measured to St. Thomas, and the man revived. One of de Braose's men-at-arms bore witness that when, by her command, he brought the news of the recovery to Lady Mary, she rejoiced greatly, so that the witness *dixit ei quod gaudebat de malo: Quia malum erat quod ita malus homo resuscitaretur*.]

15. Agnes de la Brok, of the parish of St. Martin, Hereford, cured of blindness, on the Friday after the octave of Easter, 1287.

[Her blindness would seem to have been the result of some nerve trouble, if it was not, as some of the replies seem to suggest,¹ imposture. Several witnesses deposed that she had not, in her blinded eyes, *vulnera, apostema, tumorem, maculam, vel aegritudinem, vel aliquam apparentem laesionem.*]

16. Cristina Cray, of Withington, was hanged² at Hereford, and restored to life, on Whit-Sunday, 1294.

[Eleven prisoners were hanged in all, a quarter of a mile beyond St. Martin's church. On the way to the spot, her son and daughter took Cristina Cray into the church, to be measured to St. Thomas. At the hour of Vespers, *per consuetudinem civitatis Herefordiensis*, her friends were allowed to take away her body, which they removed on a bier to St. Martin's church. Here they gave her some warm beer, and she revived. She stayed in the church for three weeks, not daring to leave lest she should again be arrested. Then, as was allowed to prisoners who had taken sanctuary, she appeared cross in hand, before the Royal Justices, forswore the kingdom, and departed to Ireland.]

17. Adam de Kylpek, five years old, and Roger his brother, four years old, cured of blindness, in the summer of 1287.

[A simple case of contagious ophthalmia, from which the children recovered. *Mali humores effluebant ex oculis, et aliquando claudiebantur palpebrae dictorum oculorum: tunc ipsi oculi inflabantur, et putredine congregata in eis denuo palpebrae aperiabantur.*]

Such, in brief outline, is the evidence for the miracles, which are probably better attested than those of any other mediæval saint. To deny the facts is, of course, impossible. But it does not seem difficult—accepting the very evidence which the pope thought conclusive—to perceive that there is nothing supernatural or miraculous about any one of these seventeen miracles. And we are justified in assuming that these were put forward as the best attested

¹ E.g. one witness says she was well-to-do, so there could have been no reason for her wishing to make money out of her blindness.

² The poor woman was imprisoned in Hereford Castle, tried, and condemned to death, because a strange pig had got among her herd, and when it had not been claimed for many weeks she sold it with the rest.

out of the 221 on the list. One thing, in any case, is clear to all who care to study the *Processus Canonizationis*—viz. that St. Thomas Cantilupe would never have worked miracles had not his faithful chaplain, Richard Swinfield, been his successor in the bishopric of Hereford.

NOTE S

EPISCOPAL VISITATION OF THE CATHEDRAL

DURING the Middle Ages cathedral chapters everywhere claimed freedom from episcopal control. As the chapter of Chartres proudly boasted to that of Le Mans: *minimus ecclesiae nostrae canonicus, ab episcopali jurisdictione liber et immunis, ipsi capitulo prout suo domino stabit aut cadet*.¹ At York in 1328 Archbishop Melton was even prevented by force from holding a visitation. But one by one the chapters were defeated. Grosseteste, after six years of effort, had reduced the canons of Lincoln to obedience as early as 1246. The chapter of Wells, after long resistance, yielded in 1338; that of Salisbury in 1393. Hereford alone held out for centuries, pleading privileges of immunity granted by Innocent IV and Gregory X.

The first attempt to visit them of which we have knowledge was in 1282, when, on the death of Cantilupe, Archbishop Peckham proposed to visit the chapter, *sede vacante*, but was met by formal protest and appeal to the pope.² In 1318 Bishop Orleton decided to include the cathedral church in his visitation of the diocese, but the dean and chapter claimed exemption on the ground of an agreement "made in the time of the late bishops." Going next year to Avignon, Orleton obtained from John XXII a faculty to "visit and correct" the dean and chapter, "notwithstanding any custom to the contrary"³; but for some reason he did not carry out his purpose. In 1395 the archbishop, acting on a papal bull, attempted to visit the chapter, *sede plena*, but Bishop Trefnant, resenting this as an attack upon him as well as on the canons, refused to

¹ *Liber albus* of Le Mans, p. 121.

² Capes, p. 145. Bishop Peter's attempt, in 1250, was rather to visit the churches in the dean's peculiar than the chapter itself, Capes, p. 89.

³ Papal Letters, II. 196.

cite them, and himself appealed to the pope.¹ On his death another attempt was made by the archbishop's vicar-general, but on the protest of the chapter he withdrew his notice of visitation.²

In 1427 Bishop Spofford called together the chapter, and protesting that he had no intention of infringing their privileges and liberties *petiit se admitti ad visitandum dictum capitulum*. The canons, as always, alleged their papal privilege, referring for proof to "the register of Saint Richard, once bishop of the said church"³; upon which the bishop desisted; but he specially requested a notary public *inde conficere instrumentum*. Richard Beauchamp was translated to Salisbury after only eighteen months' tenure of the see of Hereford. Yet in his register he asserts—in an entry of only four lines and a half—that, on April 27, 1450, *visitationem suam pleniorē in domo capitulari ibidem celebravit et exercuit*.⁴ In view of the centuries of resistance, one would have wished a fuller account of the proceedings—more especially as the chapter still persisted in the statement that it never had been visited either by bishop or archbishop.

Bishop Bothe, who had requested the pope to interpret for him certain statutes and customs of the church of Hereford,⁵ notified the dean and chapter, in 1522, of his intention to visit them. They received him honourably at the west door "as bishop and pastor, but not as a visitor"; and he, "after inspecting the apostolic letters" making, as it seemed to them, for their exemption, stayed his visitation.⁶ Forty years later the archbishop met with like resistance, and replied, "It maketh me to suppose the worse of you, as though ye would live without law. . . . Ye seem to desire to live in a singularity from the order of all other cathedral churches in the realm. . . . And thus for a time I commit you to God."⁷ Bishop Skipp's attempt in 1542 to visit the dean and chapter also failed.

Bishop Scory was always at war with the chapter, and

¹ Tref., *Reg.*, pp. 120-5.

² Capes, pp. 256-8.

³ Spof., *Reg.*, p. 102. The reference to Saint Richard is obscure and cannot be traced.

⁴ Beauch., *Reg.*, p. 11.

⁵ Bothe, *Reg.*, p. 57.

⁶ Bothe, *Reg.*, pp. 130-2.

⁷ MS. in chapter archives.

after some "talk heretofore touching mine ordinary jurisdiction over the church of Hereford," he demanded, in 1562, "a resolute answer if ye will accept me as your ordinary or no."¹ To which the dean and chapter replied: "Our trust is you will be as good and honourable unto your poor church as all other your predecessors have been. . . . We be most assured that we have competent matter in law and custom to stand to the reverse of your honor's request. For we see many inconveniences will ensue if we should grant thereunto."²

The bishop thereupon wrote to Cecil denouncing the cathedral church as "a verie nursery of blasphemy, whoredom, pryde, superstition, and ignorance."³ "The prebendaries and ministers of the same church are exempted from my ordinary jurisdiction, and under the jurisdiction of none that I know."⁴ In 1598 the chapter was threatened again, and all the prebendaries were invited to contribute to the legal expenses which might be incurred in the effort to maintain their liberties against Bishop Westphaling, and all consented to bear their part.⁵

In March 1634 Augustine Lindsell was translated from Peterborough to Hereford. At once (possibly at the instigation of the archbishop) he announced his intention of including the chapter in his primary visitation. This being resisted by the dean and canons, Lindsell appealed to the archbishop, who wrote to the dean the following letter: ⁶

To my very loving friends the Deane and Chapter of the Cathedral church of Hereford, these.

DILECTI IN CHRISTO,

After my very heartie commendacons, etc. These are to let you knowe that my Lord the Bishop of Hereford hath found himself like to be ill used by you conserning

¹ Archbishop Parker, on March 13, 1562, had applied for "her Highness' letters to authorize the now Bishop to visit the same church [i.e. of Hereford] from time to time, as occasion shall serve, wherby that Church shall be purged of many enormities." *P.R.O. Dom. Eliz.*, xxii, No. 12.

² MS. Act Book.

³ *Cal. S.P. Dom. Eliz.*, p. 177.

⁴ Lansd. MS. 6, No. 84.

⁵ MS. Act Book.

⁶ MS. Act Book.

his visitacon, which it seemes you meane to protest against if he proceed to visite. Hereupon, to prevent further unseemely dispute and cavill about it in the country, to the disgrace both of him and yourselves, he thought fitt by mee to peticon his Ma^{tie}, and to lay your pretencons before him. This I have done accordingly. And his Ma^{tie} hath commanded to write unto you as followeth: firstly his Ma^{tie} is resolved noe Deane and chapter in the kingdome shall upon any pretences be exempt from the Trienniall Visitacon of theire Ordinary as ordinary, and therefore not you: Secondly that he hath seene a Breviate of all pretences, and commanded mee to tell you plainly that he finds cause enough to suspect the partialitie of your Register in many particulars conserning your exempcon, and that all which you pleade from the graunt of any pope is utterly void by the law of the land, unless his Ma^{tie} give his consent unto it, which he neither hath done nor ever will doe. That which you pleade out of your Statutes That all prebends shall make their answeares for all things conserning that Church etc. *decano et non alteri*, his Majestie holds to be frivolous. For suppose his Ma^{tie} visit by deputacon, the prebends shall answeare to his deputie, and yet that is *alteri*; and they shall answeare to the archbishop visiting Metropolitically by himself or his Vicar generall, and that is *alteri*. Neither of these causes are excepted by your Statutes, and yet neither of them are breaches upon it. Therefore *alteri* in your Statutes is against any collaterall and intruding authoritie and not against ordinary and Superior. Or if it be against Superior, it was only then in force when perhaps you had certain Papal exempcons which now are taken away by the law, and shall neither be preserved nor restored by his Ma^{tie}, which frees you from all obligacon of your Oath and Statute, as well in that particular as in divers others which you dayly practise. Thirdly, if the prebends shall answeare to none but *decano*, to whom shall the Deane himself answeare? shall he abuse the church and suffer it to be abused as he please, and have noe Visitor? These are therefore by his Ma^{ties} expresse direcons to will and command you, the Deane and prebends of Hereford, and every of you, to admit of your Bishops visitacon, and to acknowledge him your Ordinary and Visitor by law, both now and in all other his Trien-

nials, and soe likewise of his Successors after him, as you and every of you will answeare it to his Ma^{tie} at your utmost perills. And that you register these letters that they remaine to Succession as a rule and direccon in this case, that there may arise not further disputes. Thus not doubting but you will yeld all obedience to his Ma^{ties} direccon and commaund by mee delivered, I leave you to the Grace of God, and rest

Your loving friend,
W. CANT.

From Croyden.

September 22nd, 1634.

On October 6 the bishop issued his citation to the dean and chapter, and on October 29 held the visitation, the dean and prebendaries appearing and taking the oath of obedience (though seven absented themselves and were pronounced contumacious). After exhibiting articles of visitation, the bishop adjourned the visitation until November 10, when they were to present their answers. But on November 6 Lindsell died. His successor, Matthew Wren, was only bishop of Hereford for a few months, being translated almost at once to Norwich. He held something in the nature of a visitation on September 2, 1635, and it by various adjournments lasted until October 31; but the majority, both of the prebendaries and of the vicars choral, absented themselves. On December 15 Theophilus Field was translated to Hereford from St. David's. He obtained from the archbishop a commission to visit the dean and chapter, not as their ordinary, but as representing the archbishop in a "metropolitan visitation." The commission is dated May 27, 1636; but Bishop Field died on June 2. In the troublous times that followed, nothing more is heard of the dispute; but after the Restoration, on July 5, 1677, Bishop Croft held at last a visitation of the dean and chapter of Hereford without protest or objection.¹

¹ See p. 101.

NOTE T

PAPAL PROVISION

THE claim of the pope to appoint to all benefices was unknown before the twelfth century. In earlier days it was only when any unfit dignitary was deposed or removed that the pope appointed a worthier successor. Innocent III first asserted the plenary power of disposal, and bulls of provision began to bear the significant words *non obstante*, which at once annulled all existing rights. The weakness of Edward II emboldened the Avignonese popes to apply the system of reservation and provision to episcopal sees and to all benefices *quasi per totum mundum*,¹ though in practice it was applied almost exclusively to ecclesiastical patronage. Adam Murimuth (who had himself secured provision to a canonry of Hereford) says that at Avignon Englishmen were considered to be "good asses," supporting all the burdens laid upon them, even when they were intolerable.² Be this as it may, the English bishops, by infinitesimally small degrees, were taught that all ecclesiastical preferment was at the disposal of the supreme pontiff, and that he was the universal patron of all benefices whatever. So it came about that most of the Avignonese cardinals held lucrative preferment in England, these "provisions" enabling them to live in splendour on the banks of the Rhone.

When the Hundred Years' War broke out, the English commons began to insist that, since the pope was living in France and in close alliance with its king, "the army of his provisors which has invaded our realm" should be expelled. And after ten years of protesting and petitioning, they passed in 1351 the Statute of Provisors, which enacted that all persons receiving papal provisions should

¹ Adam Mur., p. 28.

² *Ibid.*, p. 175.

be imprisoned, and the vacant preferment forfeited to the king. Though re-enacted in 1365, and much more stringently in 1390, the Statute was never really enforced. In a case before the king's court in 1409, it was asserted by counsel that the Statute of 1351 had never yet been put in force. And the reason is not far to seek. For the clergy were afraid to take action lest they might be breaking a law of the Church; and the king found it convenient to obtain from the pope spiritual offices, from the revenues of which his temporal officials could be paid. And even the laymen who had passed the Statute, though their patronage of one-third of the benefices in England was safe, were not satisfied, but wanted for their friends preferment to benefices in the patronage of bishops, chapters, and monasteries; and the only way to secure this was by papal provision, setting aside the right of some ecclesiastical patron. Cathedral canonries were the staple commodity of the papal market; and they were sold sometimes three times over, the rival grantees litigating against one another in the papal curia.¹

The bishops—who had perhaps themselves been provided to their sees—rarely dared to make a stand against the abuse. Bishop Grandisson—when eight of his canonries at Exeter in succession had been provided to—wrote a letter of complaint,² and in the following year went in person to Avignon, and obtained a grant allowing him to appoint one dignitary and five canons in his own cathedral church.³

In 1390 Bishop Trefnant—though he had himself been provided to the see of Hereford—wrote strongly to Boniface IX, the newly elected pope, urging him *providere ecclesiis cathedralibus in Anglia de ydoneis doctoribus*; reminding him also that some of his predecessors have even allowed the chapters to choose their own bishop—*quia*

¹ In 1295 Archbishop Winchelsey, not content with his own patronage, obtained papal provision for clerks of his to a prebend in St. Paul's, the next vacant prebend of Sarum, and another at Llandaff. Winch., *Reg.*, pp. 22, 31, 37.

² His grievance against papal provisions was somewhat personal: *per multos annos non potui familiaribus meis aut nepotibus providere.*—*Reg.*, I. 117.

³ *Pap. Letters*, III. 114.

*huiusmodi capitula de personis eis notis non possunt leviter falli, sed sanctitas tua per litteras et preces potest omni die decipi; sunt etiam litterae in aliquibus partibus venales, et personae nimis ambitiosae ad curiam Romanam etiam currunt.*¹

At Hereford, of the bishops after Aquablanca, Cantilupe was freely elected by the chapter, and their choice accepted by both king and pope. Swinfield also was elected. But the next eight bishops, covering the century 1317-1417, were all provided.² Henry V in 1417 earned the support of cathedral clergy everywhere by restoring to the chapters the right of election—though at Hereford he “strongly recommended” the canons to elect Edmund Lacy, which they obediently did. But this revival of a long-disused practice only lasted a few years. Martin V was not prepared to renounce the power his predecessors had possessed. He provided thirteen English bishops in two years, including Lacy’s successor at Hereford, Thomas Poltone. Thereafter things went on as before. Of the nine bishops between Poltone and the “great surrender,” seven were provided, and two nominated by the king.³

If the case of bishoprics was so, it was naturally even worse with appointments to canonries. At Lincoln in the fourteenth century no less than twenty-five Roman cardinals held prebends, though they never visited the cathedral church. At York four deans, twelve archdeacons, and three treasurers were cardinals between 1307 and 1389. At Salisbury six deans in succession were aliens, and in 1375 five cardinals held prebends. At Hereford fourteen canonries were provided to between 1310 and 1330, and

¹ Tref., *Reg.*, p. 12. This letter accomplished nothing of its purpose. Boniface IX, pronouncing the Statutes of Provisors and Praemunire to be *cassa et irrita*, became more insatiably rapacious than any of his predecessors. Next presentations to canonries and other benefices were graded as “Preference” and “Pre-preference”; and even then, when the vacancy occurred the pope would often sell it again, despite these previous sales.

² In one case the chapter ventured to elect Thomas de Brantingham, but the pope set the election aside and provided Courtenay.

³ In 1502 an Italian, of a somewhat shady character, was provided to Hereford, followed shortly by four Italians in succession provided to Worcester. For these see Creighton, *Hist. Es. and Rev.*, p. 202 sq.

next year three in eleven months. In 1333 the pope even provided a canon to a canonical house. And so it went on for two more centuries, until, in the hands of Henry VIII, the half-obsolete Statutes of Provisors and Praemunire became a lever for the overthrow of papal supremacy.

NOTE U

THE CHAPTER-HOUSE

WHETHER a chapter-house existed at Hereford before the fourteenth century is uncertain. But the persistent use of the word *new* in connexion with the fourteenth-century chapter-house¹ seems to imply that it was to replace an older one, the site of which is unknown. Swinfield's legacy for the enrichment of the new building must have lain unused for many years before the work was taken in hand about 1360. It took seven years or more to build; and then two further years were spent in completing the east walk of the cloister, leading to its entrance doorway. The building was decagonal in plan, forty feet in diameter; and the rich fan-tracery of the roof was supported by a central column. Each of the ten sides—except the one occupied by the entrance from the cloister—was subdivided below into five panels for mural paintings; while above were the large windows contemplated by Swinfield, one in each side.

In the civil war the roof of the chapter-house was stripped of its lead by the Royalist garrison in its desperate defence against the Scotch. Then through long years of neglect and exposure to the weather it suffered grievously; until Bishop Bisse (1712-21), with no protest from the dean and chapter, pulled down a considerable part of it that he might have material for repairing his palace hard by! The last of its ruins were ordered by the chapter to be taken down in 1769.

The best description of the chapter-house, before its ruin, is in a manuscript entitled "A Relation of a Short Survey of Twenty-six Counties, by a Captain of the Military Company at Norwich."² The writer visited Hereford in September 1634, and describes the chapter-house as follows: "The Chapter House there is very fayre, and not

¹ *Domus capitularis noviter construenda: opus novae domus capitularis, etc.*

² Brit. Mus. Add. MSS. 34, f. 54.

much short of anye wee yet saw, wherein are 10 fayre square-built windowes of antique worke, in good colours. It is adorned on the walles with 46 old Pictures, curiously drawne and sett out. Christ and His 12 Apostles; the 2 Sisters that gave 4 Manors to the Church¹; Edward the Confessor and his queene; the Earle of Pembroke, that flourish'd in the time of the Barons' Warres, St. Winefrede, St. Chad, and diverse holy women. In the midst thereof doth stand a Pulpit, wherein every Cannon, at his first entrance, doth preache 4 Lattin sermons."

¹ Wulviva and Godiva *quae dederunt Hopam, Prestoniam, Pioniam et Nortonem*.—*Cal. of Obits.*

NOTE V

THE CATHEDRAL LIBRARY

It is uncertain when first the chapter of Hereford possessed a sufficient number of books to require a special place to be provided for their reception. It is said in the calendar of obits that Bishop Robert Ffolliot gave to his church *multa bona in terris et libris*, as later did Bishop Hugh Ffolliot.¹ Bishop Ralph de Maydestan left *duo antiphonaria cum psalteriis et unam Legendam in duobus voluminibus*. Alan de Creppinge in 1298 gave six volumes of canon law, including the valuable *Lectura Hostiensis super decretalibus in duobus voluminibus*.² These books were given *sub hac forma quod nullum eorum alienetur nec ex civitate Herefordensi portetur sub pena excommunicationis*.³ Other gifts included *plurima volumina* from "Reginald the chaplain," and at least one book from "Robert Gregory, Vicar of Fownhope." The treasurer of St. Paul's, Alexander de Swereford (of whose connexion with Hereford we know nothing), bequeathed to us a *bibliotheca*.

There are a number of manuscripts whose previous owners are mentioned, though it is not known how they came into the possession of the chapter. Thus sixteen volumes once belonged to the Austin canons of Cirencester; two to St. Peter's, Gloucester, and four to its Hereford cell, St. Guthlac's; three to the Franciscans of Hereford and

¹ It is somewhat strange that there seems never to have been in the library any manuscript of Bishop Robert de Melun, who in learning and literary activity almost rivalled his contemporary, Peter Lombard. Of the latter's *Sentences* we still have several manuscript copies, but of our own bishop nothing. Yet copies of his *Sentences* also were once at Bury St. Edmunds and at Worcester.

² Henry de Suza, bishop of Ostia, was the ablest canonist of his time.

³ Capes, p. 171. Yet in 1324 the dean and chapter, hard pressed by the needs of the fabric, sold the *Hostiensis* for £20.—*Ibid.*, p. 202.

one to those of Gloucester; and one each to the monasteries of Abbeydore, Flaxley, and Wigmore.¹

Occasionally books were loaned by the chapter, but under very stringent conditions. Thus in 1412 Richard Talbot, the precentor, borrowing six books (including Peter de Salinis and *Hostiensis*), gave a bond that, if not returned at once on demand, all the *fructus et proventus* of his prebend and precentorship should be withheld from him.² Even Bishop Trillek, borrowing a Life of St. Milburga from the priory of Wenlock, had to give a similar bond,³ as also did Bishop Orleton, when he borrowed, from a private owner, the *Summa* of St. Thomas Aquinas and various other books.⁴

By the end of the fourteenth century a chamber over the west walk of the cloister (long since destroyed) had been definitely set apart for the library. And in 1394 the precentor, Walter de Rammesbury, B.D., gave £10 "for making the desks in the library." In the succeeding century few books were acquired. But about 1520 we find Bishop Bothe and Dean Frowcester working together for the development of the library, each giving largely both in money and in books. The list of the bishop's gifts is still preserved.⁵

In the Statutes of 1583 a section is given to the library, which is said to be *jam situ et squalore obsita*. One of the residentiaries is henceforth to be librarian (*custos bibliothecae*) and he is to take care that the books be fastened with chains,⁶ and, if need be, repaired, and a list of them

¹ We have in the archives a document full of information as to the library of a bishop in the fourteenth century, and its price. It is the inventory of the books of Bishop Trefnant, as valued for probate. (See Capes, pp. 259-62.) The classics of Greece and Rome are conspicuously absent, only Valerius Maximus and Quintilian being included. A Bible or two and a few service-books are all that would suggest a bishop as the owner; there is nothing of Augustine or of the great schoolmen. Canon and civil law, not theology, were Trefnant's study.

² Capes, p. 267.

³ Tril., *Reg.*, p. 96.

⁴ Orle., *Reg.*, p. 119.

⁵ Bothe, *Reg.*, ix.

⁶ This injunction only means that by neglect many books had got loose. For the ancient book-cases, with their chains, rods, and locks, are probably, in the main, those that were set up in 1394. (In 1369 Bishop Lewis Charleton, in leaving books to the church, ordered them to be chained.) For a full account of the chaining at Hereford, see J. W. Clark, *The Care of Books*, pp. 174-8.

set up at the end of each shelf ; further, every new canon or prebendary is to contribute forty shillings to the library. It was fortunate that in Thomas Thornton, the precentor, the chapter had an enthusiastic scholar and lover of books, who devoted much time and thought for many years to carrying out the provisions of this statute. The books were rearranged and classified ; others were purchased, and yet others given. Among these gifts were twenty-three volumes from the dean, Edward Doughtie. Of these he had acquired seventeen in a manner somewhat strange for an ecclesiastic. In 1596 he had accompanied, as chaplain, the expedition of Essex and Raleigh against Cadiz. The town was captured on June 22, and—as his entry in one of the books shows—Doughtie began the very next morning to “ convey ” books from the Jesuit College—*jure belli*, he calls it in his note. The books thus looted, with six purchased by him later, are still in the library.

The Caroline Statutes add to the Elizabethan Provisions the requirement of three catalogues, one to be in the library, another with the librarian, and the third in the archives of the chapter. Whatever is faulty through the librarian's neglect is to be made good at his expense.

Early in 1589 the books were removed from the chamber above the western walk of the cloister to the Lady Chapel, where they remained until 1842. In that year they were temporarily housed in the College ; and in 1856 were moved thence to a room over the aisle of the north transept. In 1897 the new library building was erected on the original site, through the bequest of Canon Powell.¹

¹ For a general account of the books in the library see Beriah Botfield, *Cathedral Libraries*, pp. 172–88. For a careful catalogue of the manuscripts, see Heinrich Schenkl, *Die Biblioth. der Engl. Kath.*, 4064–4285.

NOTE W

CHANTRIES IN THE CATHEDRAL

THERE were in 1535 twenty-one chantries attached to the cathedral, some dating from the thirteenth century or earlier, some less than fifty years old. They were held usually by vicars choral—indeed, in the earliest foundations it is difficult to distinguish the chantry priest from the *vicarius perpetuus*. Four priest-vicars are mentioned in the *Consuetudines*¹ as celebrating at chantry altars—*ante crucem*, *in officio beate Virginis*, *pro anima magistri Philippi Rufi*, and *pro anima magistri Alexandri*.² Canon Roger Cakebridge, circ. 1215, founder of the chantry of St. Nicholas, gave his name to a vicarage in the college long after the suppression of chantries; as also did “Absolon, clericus” (who founded the chantry of the Holy Trinity), and “Philip Hay, clericus,” founder of the two chantries of St. Margaret and St. Stephen. In 1248 John Bacon’s benefactions to Wigmore prompted the abbot and convent to found the chantry of St. Agnes,³ which also gave its name to a vicarage in the college.

Bishop Hugh Foliot in 1232 founded two chantries in the chapel of St. Katherine, near the palace⁴; and a third in the same chapel, commonly called “Burcott’s chantry,” was founded by Walter de la Bache in 1331. The founder of the chantry of St. Mary Magdalene in the upper chapel of the same building is unknown.

Bishop Peter de Aquablanca, notwithstanding his frequent quarrels with the chapter, gave them, in 1256,

¹ Bradshaw and Wordsworth, II. 75.

² There were three chantries *ad altare Sancte Crucis*, one of unknown foundation (the earliest, referred to above); one founded by Canon Simon de Radnor, circ. 1270; and one by John Middleton, the intruding dean of 1383. Of Philip Rufus nothing is known. And “Alexander” is Alexander le Seculer, a canon who founded the chantry of St. Margaret, circ. 1240.

³ Capes, p. 82.

⁴ *Ibid.*, p. 71.

valuable lands in Holme Lacy "for the good of his soul"¹; in return for which the dean and canons founded the two chantries "of Homlacy."

The gift of Lugwardine by Johanna de Bohun, lady of Kilpeck, in 1327,² established among other endowments the chantry of the Blessed Virgin Mary in the Lady Chapel.

Adam Esgar in 1367 gave a house and land in Much Cowarne to establish the chantry of the Blessed Virgin Mary *supra* (but in some accounts *extra*) *ostium boreale*³; and William Lochard, the precentor, founded the chantry of St. George circ. 1432. Bishop Spofford (circ. 1440) founded the chantry of St. Anne "in ye cross isle on ye south side of ye quire."⁴ Bishop Stanbury's executors built and endowed the beautiful Stanbury chapel in 1496⁵; and Bishop Audley did the same for his chapel a few years later.

¹ Cant., *Reg.*, p. 128.

² Capes, pp. xiv, 208, 229; see also ante, p. 75.

³ See Bothe, *Reg.*, pp. vii-viii.

⁴ Harl. MS. 6726, fol. 168, b.

⁵ Stan., *Reg.*, pp. ix-xiii.

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